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GOVERNMENT AND POLITICS ABROAD

BY

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PREFACE

The author wishes to express his deep sense of obligation, first to the long series of scholars, whom he cannot here name, the results of whose research he has attempted to digest. He has been aided by a multitude of inquiring students, and a few fellow teachers. Special mention must be made of the infinitely kind encouragement of his two long-time colleagues, Francis W. Coker of Yale and the late Walter J. Shepard; of the critical reading of the manuscript in certain parts by Charles W. Spencer of Colgate, Harold S. Quigley of the University of Minnesota, Norman J. Padelford of the Fletcher School of Law and Diplomacy, Walter Dorn and Lawrence F. Hill of the Ohio State University, and especially Edward S. Corwin of Princeton, whose suggestions have been invaluable at every point. Not least, Cornelia Powell Spencer has been incessantly helpful at every stage of research, of writing, and of progress through the press.

To the World Book Company the author is indebted for their kind permission to reproduce here certain paragraphs of his *Government and Politics of Italy*, published by them in 1932.

Since this is designed to be a student text-book it has seemed necessary to present much controverted matter in somewhat dogmatic tone, and generally to refrain from attempting documentation. Out of the wealth of literature on the subject of each chapter a few books and articles, in English and generally accessible, are suggested for the student's use in parallel readings. They are to enrich knowledge by additional information, or to suggest criticism by the presentation of diverse views. In the "Suggested Reading" for the first chapter several works of general character are included, whose several parts or chapters may be considered as available without repeated reference for the illustration of later chapters.

H. R. S.

*Columbus, O.,
July, 1936.*

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CHAPTER I

INTRODUCTION

This book is designed for the use of American college students and others who desire an introduction to the politics of foreign countries, particularly the governmental structure and the traditions and social forces that are most active and influential upon it. Here is no claim to encyclopedic comprehensiveness, but a desire to be comprehensible and suggestive. The reader should acquire some of the most essential clues for interpreting the reports of the American daily press, which is now voraciously interested in political happenings beyond the Atlantic—and beyond the Caribbean and Pacific as well. Whether isolationist or internationalist in temperament and reasoned attitude, the American is now constrained to become informed on what is occurring outside his own country's borders; for his own politics and culture depend on it. If he is to make intelligent as well as merely emotional responses, he must know what it is all about, and have at least a slight comprehension of the political life of the other peoples. For it is with them necessarily that his government's diplomats are dealing, his friends the business men are making investments and other contracts, his own individual interests are entwining as he travels the globe, whether in person or in imagination under the guidance of the journalist, the movie artist and the radio speaker.

Political vocabulary. One motive for this study of comparative government is that we may learn to avoid some of the traps that lie in the path of the unwary, in the mere matter of political vocabulary. The same word means vastly different things in various political environments. A familiar example is the word "cabinet" as used in Washington and Westminster. Less well known but equally important are the far-reaching contrasts between Westminster and Paris as to the relation of voters and ministers to elective parliament; between the constitutional king-

ship that is an honorific badge worn by Victor Emmanuel III of Italy, and that which is a tool deftly wielded by Gustav of Sweden; between Supreme Courts in countries which do and countries which do not possess a strong tradition of constitutional law and custom, which continues and grows and binds while parliamentary men and measures come and go.

So also there are the names of political parties, which are notoriously misleading unless we have the real clues, historical and personal. Literal translation of names and slogans is often highly dangerous: in the words of the Italian adage, *Traduttore traditore* (to translate is to betray). For example, the famous French party of "Radical Socialists," long led by Edouard Herriot, is almost the exact opposite in temper and program, of what the unwary newspaper reader would suppose from its name. The Bolsheviki of Russia were not, and did not propose to be, the "majority" which their name may be literally translated to mean.

Comparative government. There is however another, far more important, motive justifying this study of comparative government. It is not merely a matter of curious lore. It may be vitally important as the source of growth, to aid the body of our doctrine in its process of assimilating the new material necessary for the replacement of outworn ideas and practices. No government or political system is static, except that which is dead or moribund. All are constantly changing with the inevitable developments or degenerations of economic and social structure. Now as in the past, the pressure of various and competing opinions to form public opinion is constantly tending to produce the new to take the place of what is growing to be the obsolete. The "founding fathers" certainly knew this and acted upon their knowledge, especially Madison, Hamilton and their colleagues of the Philadelphia convention, who carried on a wide-planned, competent research into comparative government, analogous to that made by Aristotle. Although they did not contrive much that was new, they exercised an active function of selection and adaptation. One outstanding feature of their attitude was that they did *not* content themselves with the passive acceptance of tradition.

Rapid governmental change. Political and administrative science no more stands still than does chemistry or biology. Every living political body is constantly evolving, whether there is or is not a more or a less conscious purpose; and the period since the World War has seen an extraordinary amount of governmental change, rapid and far-reaching as perhaps in no other fifteen years in history. With the world-spread economic depression of the period about 1930, there is universal inquiry not only into effective devices for accomplishing well-known governmental purpose, but into the larger question of how to provide governmental realization of a social New Deal. There are new facts of social maladjustment, the decay or destruction of apparent "security" values, capital's timidity about investment, unemployment of labor, the misery of millions, and a supposed willingness of the masses to experiment with violence, called "direct action." A new publicity has made ordinary men more than usually politics-conscious, and a reformed, better-led trade-unionism or a worse-led demagogic appeal to envy and hate is likely to make them exigent and insistent. Government has a new far-reaching demand put upon it, that it make plans to regulate society's resources in men and things, for better utilization and distribution of goods to meet society's needs. Perhaps a new social conscience may be induced to emerge. In any case, new imperious demands are requiring to be dealt with in terms of law and social control. Such a situation requires constant discriminating study of the effective governmental devices that are now available for the exercise of this control. Our nation needs to know of the experience of other nations. Not that this book can enter into the discussion of economic problems; but we must ask, what political principles and governmental devices have approved themselves as worthy of imitation? What has been tried and found defective, and why? How far has the failure or success been due to local or temporary conditions?

Institutional imitation of doubtful effect. One general warning must be borne in mind regarding this process of political and institutional imitation. In all history, but particularly in these days of rapid but fragmentary communication, the learner by imitation is likely to be led astray by apparent simi-

larities of circumstance. The lessons are not only difficult to descry but likely to be misconceived because of half knowledge, when there is insufficient attention to cultural tradition, political atmosphere, and other factors that are not on the surface. The cabinet parliamentary system, for example, wrought out of purely English experience, has proved intensely disappointing in certain states of the European continent, where historical, religious, and racial conditions denied to the nation the early, happy growth of a unified *consensus*, excluded the sentiment of a long familiar and universally accepted community, which contributes so largely to make the English system work well in England. The American constitution, copied and imported wholesale into Latin American states a little over a century ago, was doomed there to break down lamentably in the presence of social traditions inherited from the Spanish empire, and political conditions produced by the long war for independence. The Swiss Referendum and Initiative, if not a failure in American states, turn out to be very different institutions from what men expected when they were installed a generation ago. No governmental institution, in fact, should be regarded as a gadget, a separable mechanism, that can be bought on standard specifications and handily plugged in to work on the house current. Political practices are more accurately to be characterized as of organic character, like diets or medicines. To prescribe them requires knowledge not only of their chemistry and pharmacology, but particularly of the patient's own constitution. A nation's constitution is conditioned by its history.

Experimentation risky. The sober fact is, political "science" is not a "pure" science; we cannot find truth by conducting laboratory experiments under ingeniously controlled conditions. As in the slow yet hopeful advance of medical science, the work must be done tentatively, cautiously, on the living body and with constant regard for one great central design. This purpose is not the comprehensively planned achievement of laboratory results by a long series of patient trials and errors, whose lamentable results can be thrown into the waste; it is rather the saving of the human person's life and the improving of his health, if it be possible, here and there a bit. Hence progress in political as in

medical science, is fragmentary and pitifully slow. Yet the experimental process and scientific attitude is vitally necessary; there must be no static, supine contentment with tradition. Merely to "stand pat" is an intolerable attitude or procedure. Furthermore, to continue infant-feeding to the youth, or boy-feeding to the adult or adult feeding to the aged, is not wise diet but nonsense. The body politic must be constantly studied in its changes. If the constitution does not grow, it is already going into the decline whose end is death.

Experimentation required by true loyalty. An active interest in foreign governments is in no sense irrelevant or in violation of true patriotism. The student of this subject is emphatically not what Koko in Gilbert and Sullivan's *Mikado* derided as the "idiot who praises with enthusiastic tone every century but this and every country but his own!" The American who knows his history realizes that we are a participating, sharing co-heir of all the ages, under obligation to make our own addition to the world's patrimony of governmental experiences and institutions. The sound-minded American knows that his own political and social system is far from perfect and needs his own labors to perfect it, that he is not really loyal unless he is striving to change it for the better. There is a wealth of experience abroad by which we may profit. But no reader should expect to find in this book the clear indication that some other nation has on the whole a better government than ours, which we should strive to import. Our purpose is rather to study, without bias of favor or hostility, what are the conditions under which several of our neighbors in the world live their political life. Here and there we find points wherein we may learn from their comparative success; now and then we find warnings of what to avoid if it be possible. A wise conservatism is not content to hold fast, in our political life, to that which is familiarly supposed to be good. It will also radically examine (that is, by studying the roots—but that does not mean constantly pulling them up) and liberally, with open mind, consider at what points we may learn how to better our ways. To become inert and rigid in this world of politics and government is to decay and die.

Before entering into the description of any single foreign gov-

ernmental system a few generalizations may be suggested, regarding the object of our search and the material we shall encounter. Even among states whose cultural past gives them a unity called "European" there is infinite variety. What is said of one cannot be confidently suggested regarding its neighbor's nature or circumstances. Yet we are irresistibly tempted to attempt generalization; a perhaps natural urge of the philosophic mind, which every student of political science must share, while he retains his rigorously scientific practice of sticking to the facts. For this purpose we observe that the nineteenth century provided a general background, of which a few elements should be summarily sketched.

Parliamentary constitutionalism. To the English-speaking student of comparative government, natural priority among these general features of the background seems to be assignable to one nineteenth century factor which remains today largely intact—the British parliamentary constitution. An aristocracy of wealth and learning as well as of birth clearly dominated Britain's situation as the nineteenth century opened. Gradually, however, there came a rising tide of democratic sentiment. Institutions were framed and adapted for mitigating that aristocratic influence by dilution, but even yet it has not been completely supplanted. The voters, gradually coming to include more than half the population, that is, practically all the adults of both sexes above the age of 21, gradually acquired a control over the parliament and executive, which entitles us to speak of the constitution today as essentially democratic. Britain's astounding economic success in the exploitation of mineral resources and acquired skills in manufacture, and in the technique of banking and export trade, made it only natural that her political practices also should be widely imitated, not only in Teutonic and Scandinavian but also in Latin and Slavic Europe, as well as of course by the countries of Britain's own racial family, far-flung over the earth's surface.

French Revolution. Another tradition of wide influence throughout the nineteenth century has been that of the French Revolution. With the decay of dynastic loyalty as the traditional and sufficient social bond there has come instead a sentiment of national freedom, such as the French in the last decade

of the eighteenth century developed with tremendous potency. Not only was the republic born; there appeared also a trinity of ideal values, which began at once to be associated with the idea of the republic. The French pithiness of phrase carried them the world around: *liberté, égalité, fraternité*. Neither France nor any of her imitators has found the ultimate solution of the delicate problem, just how those ideals are to be implemented, that is, concretely realized; but there they are, since France has brought them to light, denouncing ancient privilege and abuse, and pointing social man's way up and forward. She may have derived these ideals, in part at least, from an American source. It remains to be ascertained how much the world at large owes to Thomas Jefferson and his Declaration. The fact remains that it was France who adopted these ideals on a great scale, and as it were publicized them, for the admiration and potentially for the use of the civilized world.

Liberal individualism. A third general factor of nineteenth century development is the Industrial Revolution, in which England naturally took the lead owing to her advantage of economic situation. The factory system of industrial production and a world market were combined in a new economy which, as things stood in the early nineteenth century, promised wealth to far-seeing English investors and a standard of life for obedient English workers that was far above anything known to the rest of the world. These advantages were soon to be shared and even surpassed by the Englishmen's cousins in America, who were luckily facing the bonanza riches of a continent that was empty and waiting to be exploited. Parallel with the technical advances usually associated with the term Industrial Revolution there came a psychic and later an economic influence which we usually associate with the name of Adam Smith. The idea was that with the separation of economic functions there comes a specialization which gives increased potency to every producing unit, stimulates individual initiative, and thus tends to combine higher private profit and larger total product, with resulting benefit to the whole community—an enhanced *Wealth of Nations*. The principle of *laissez-faire* was preached and practiced by economists and business men; and it held great promise. This

was especially true if Bright and Cobden (the Manchester School) could persuade a British parliament as well as a Premier Robert Peel, to abolish protective tariffs and enable England to become the world's model as free trader, and to make money by doing that economic task in which she was most favorably situated for success. Liberalism had its great day, abolishing traditional limitations upon human freedom.

Humanitarianism. But there was a seamy side of this process of liberalizing by removal of social bonds. Individualism was to suggest the cultivation of enlightened self-interest. What if the liberated and partly liberalized individual should ignore his nation's and his fellows' need and could see his own interests only darkly, narrowly? It gradually came to be realized that a nation might suffer as much as she gained if the newly won freedom were not governed by a high-minded social conscience. A factory and mining system, that was directed only to the production of the maximum of wealth for owners and managers and high-salaried technicians, nevertheless really included and depended upon laborers. For many thousands of the latter, as it turned out, "free-trade" industry, that was not under social control, involved nameless horrors of oppression and degradation. The free yeoman was becoming the factory slave. When these facts were finally discovered and exposed to light, there began a humanitarian reaction which has not even yet reached its full potency and may well be regarded as a twentieth century trend even more than an element of the nineteenth century background—the movement for bringing economic production and distribution under the far-seeing (though as yet ill-equipped) planning purpose of a democratic state.

The Church. Against the nineteenth century neo-feudalism, the unmitigatedly selfish exercise of the social and political power that flows from the possession of capital, there was reaction and social defense. This opposition was participated in by two social interests which, however, became in the long run competitors and deadly rivals and foes. The Roman Catholic Church was one. The Papacy had definitely come to an end as a political independent state, with the occupation of Rome (1870) by the troops of King Victor Emmanuel of Italy. Whether because or in spite

of this fact, the Church grew to have a world position which was far higher at the end than at the beginning of the nineteenth century—a moralizing influence, an effort to turn politics as well as religion into instrumentalities for social uplift, to arouse the conscience not only of the wealthy but of the whole community, to curb oppression of the neo-feudalist type and to integrate the social body under the guidance of a social spirit. This work of the Roman Church, it may fairly be said, was shared and indeed had been suggested, by its Protestant competitors; the Roman Church was outstanding because of its historical primacy of position and its unity on a world scale, as contrasted with the dispersion of Protestant influence, with Presbyterians dominating in one country, Methodists in another, Lutherans in a third.

Socialism. There was the possibility that each church might become Erastian, i.e., a mere administrative instrumentality of the state rather than its inspirer, a means of upholding the present regime by associating altar with throne in the minds and especially the hearts of the obedient faithful. There was even the possibility that the Church, as in the instance of Tsarist Russia, might become essentially a police administration, its body active in oppression after its spirit had decayed or died. All these circumstances may help us to understand the remarkable rise of a movement called Socialism, which was directed not only against neo-feudal economic oppression, but against the Church as well. The writer whose works proved to be the Bible of the new movement was Karl Marx. This is no place for examining the content of his preaching or the extent of his influence. We merely note that Marxian Socialism became one of the most potent and challenging among the principles operating in the politics of European states. Marx's *Communist Manifesto* of 1848 became a banner to inspire the oppressed to revolt against That Which Is; the promise of a millennium to come. In almost every state of Europe there arose a political party, called usually Social Democratic, which devoted itself to the winning of public opinion to the new social gospel, to the preparing of the propertyless mass, called *proletariat*, for the social revolution preached by Marx.

Nationalism. Two other isms must be mentioned in our enumeration of nineteenth century background influences, neither of which, however, originated or ended in the nineteenth century—Nationalism and Imperialism. The French Revolution in 1793 found itself under the necessity of defending France against invasion by European dynasts. The revolutionary government mobilized and successfully utilized resources of spirit, of organization, of man power, on a scale hitherto unprecedented, all potent because it was the sacred Nation that must be defended. The lesson taught by French nationalism has ever since been taken to heart, at appropriate places and times the world around. With or without a common language, but usually because of a common tradition of sacrifice and achievement, treasured in folklore or literature, a people finds itself to be one; its nationality becomes an ideal being, to be cherished and as soon as possible provided with statehood: every nation aspires to the achievement of self-government in its own state. Community of religion may or may not be present. The handicap of religious or ecclesiastical disunity may be overcome if there be a sufficient heat and force supplied by common traditions from the past and common hopes for the future, to weld the people into a nationally conscious political unit.

Nationalism has in many instances been a force for defense, unification and expansion, such as maintained France against invasion (1793), created the union of Italy (1859) and of Germany (1866), and began the evolution of Balkan states which ultimately were to become Rumania, Jugoslavia, Greece, and Bulgaria. On the other hand nationalism in some other instances has proved a seriously disrupting force, where statehood and nationality do not coincide. For generations the ancient Austro-Hungarian monarchy could be held together only precariously by army, bureaucracy, and dynastic loyalty to the Hapsburg Kaiser; its political life was weakened, if not paralyzed, by the ceaseless drive of nationality-loyalties (Hungarian, Czech, Polish, Yugoslav) that were anti-Austrian, struggling to express and organize themselves. They were constantly thwarted by the dynasty's clever balancing of nationalism versus nationalism within the empire, in order to "divide and rule." "National self-determina-

tion" was not to become famous as a phrase until Lenin and Wilson proclaimed it during the period of the World War, but the reality was there as a leading motive of the politics of the nineteenth century. To such an extent is this true that some historians contrast the conditions of the European peace as fixed in the treaties of 1815 and of 1919, saying that in the former settlement Nationality was not given enough reasonable regard, while in the latter it was too hysterically and superstitiously worshiped.

Imperialism. What Imperialism is may not here be determined; the mighty debate is not yet finished. But at least of this we may be sure: it connotes the rule of one people by another. Of this there has been a plenty during all ages past. The nineteenth century saw, as one element of its varied program, a conscious acceptance by some people of a role that should consist in bearing what Kipling told Britons was "the white man's burden." It may be debated how much this expansionism was really due to the purely selfish desire of industrial and financial capitalists to win raw materials and markets at unduly profitable rates fixed by the holders of monopolistic advantage. It may be that imperialism is caused by a differential of culture-level which produces, almost by instinct, a relation of domination and subservience. It may be that militarism, here naked and unashamed, provides opportunity for venturesome souls to win careers and fabulous fortunes after the manner of a notorious eighteenth century Clive or Hastings in what was to become "British" India. But in any case one cannot avoid the conclusion that imperial expansion, based on whatever mixture of various motives, was one of the outstanding factors of nineteenth century politics.

Effects of literacy. When that expansion involved sharp rivalry and states went to blows, their militarism took a form which is another essentially characteristic phenomenon of the nineteenth century. In contrast with olden time the fodder of the cannon had come to consist of whole populations, no longer mere bands of professional soldiers. The entire population must be subjected to regimentation in order to maintain the conscript army in the field. Furthermore, since the masses were thus

liable to be thrown into the contest, statesmen must contrive that contests be waged upon issues that should be satisfactory to whole peoples, or at least could be made to seem so. We must face the new phenomena introduced by widespread literacy and the modern newspaper. There was Prince Bismarck's manipulation of the Ems telegram of King William of Prussia in June, 1870, regarding his talk with the French ambassador, so that its publication should work both as a red rag to the Gallic bull and as a clarion call for German patriots, thus making a Franco-Prussian war certain and on both sides seemingly a matter of popular will. A generation later there was likewise Hearst's brazen and successful effort to produce a Spanish-American war, which could certainly have been avoided by negotiation except for the fact that yellow journalism found war profitable and could make the people think it popular. Who can measure for the present and the immediate future the significance of radio and censorship, as new techniques of propaganda, affecting for good and evil the influence of popular opinion upon government?

Bureaucratism. It would surely be a mistake to omit from our catalogue of recent developments the immense spread of bureaucracy. This was never designed, it only grew. But with the recent sudden expansion of government services and consequent multiplication of government personnel, we have come to a point where in some countries at least one person out of forty is in some way living on the public as a servant of government. In some instances principles of scientific organization were introduced, to make of the public service an honorable career, to be prepared for with confidence that a decent living could be secured in return for experienced, expert service in the public affairs. But the old corrupting principle familiar to Americans, that "to the victor belong the spoils," attained a wide spread that was facilitated by the supposition that democracy required the elective principle in filling offices. England and some European nations, however, had progressed much faster and farther in civil service reform than the United States, and in some measure could be said to have solved the elements of the problem, long before the nineteenth century was over. The best of the country's youth was acquiring at school and university the compe-

tence and skill which was shortly to be put at the nation's service. The advance of natural and social science, with consequent social demands in health administration and other technical services, made this growth of the civil service inevitable.

Civil service. At the same time one must not neglect the seamy side of even a spoils-free bureaucracy. Jack-in-Office was everywhere becoming a serious problem. The bureaucrat despised the ordinary man and he had plenty of scorn to spare for the politician as well. A standing problem of first-rate importance was how to secure the service of the expert servant without suffering the tyranny of that servant's expertness. Bureaucracy has another feature of its seamy side, which comes apparently from human nature. The bureaucrat is tempted to follow the line of least resistance. Instead of applying fresh thought to newly rising problems he will pursue the course of conduct that is easy because it follows the lines of familiar usage, and go through the old forms; also he will make no end of routine paper work, upon which small men may make a living. While so doing one is acting safely and comfortably; but there is inefficiency and delay, administration is unscientific, and the taxpayer groans. The liberal and the reformer find the bureaucrat their sworn enemy. Here is one of the most difficult and challenging problems of the twentieth century.

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CHAPTER II

BRITAIN: KINGDOM, EMPIRE AND COMMONWEALTH

INTRODUCTION

The American studying governments comparatively turns first to Britain, for several reasons. The language gives him a more immediate introduction into the framework of British ideas than is possible elsewhere. There is the body of so-called "Common Law," which is also common to Britain and America. There are familiar practices and ideals which they share, such as are suggested by the terms *habeas corpus* and "Bill of Rights." Furthermore, Britain, with her "mother of parliaments," has been the teacher of the whole world in the matter of representative government. Putting the matter on a broader basis, we may quote Professor Goldwin Smith, "England has taken the lead in solving the problem of constitutional government; of government, that is, with authority, but limited by law, controlled by opinion, and respecting personal right and freedom."

The people of Britain occupy an island, all told not much larger than one of the states of the American Middle West. Yet the population is some 45,000,000, hence the density is over 481.9 per square mile, as compared with 141.4 in Ohio, and with 30.6 in the whole Middle West. The insular position and the crowded condition of the population have had political consequences which will gradually come to light.

Early unification. The English, the Scottish, and the Welsh peoples have characteristics and traditions of their own, but the early unions, which brought to England Wales in the thirteenth and Scotland in the eighteenth centuries, have produced a Great Britain that has long enjoyed political unity and internal peace. This result has been insured by a long-standing habit of tolerance that allowed cultural diversity, as exemplified in the unhampered survival of the Welsh and Gaelic languages, the Welsh

singing societies, and the Scottish law and church. The later union (1800) which produced the "United Kingdom" of Great Britain and Ireland, tells another story, a sad one, which must have special treatment.

Tradition. Elements of social psychology may be mentioned, though, as scarcely needs to be said, there is uncertainty and wide personal diversity of view. The Briton has, in his composition, a strong strain of traditionalism, a distrust of what is rationally devised as compared with what is sanctioned by ancient usage. This puts the conservation of social values in the charge, not of the state and its statute, but of custom, which was never made, but is found as having existed and developed since "the memory of man runneth not to the contrary." To say that a thing "isn't done" is to condemn it as impracticable and unconstitutional. The burden of proof rests heavy upon one who will assert that the thing could be better done otherwise, more in accordance with reason. The great test is the pragmatic one—will it work?

Governing class. There is a powerful tradition that government is the possession, the privilege and at the same time the duty of a governing class. This idea came down from feudal times and has never been broken by revolutions such as that of 1789 or 1848 or 1917. Even the twentieth century finds Britain enjoying the advantage of a body of aristocrats who feel that whatever happens, the "king's government must be carried on," that membership in the nobility imposes an obligation of public service (*noblesse oblige*). This involves in turn the disadvantage that society is stratified with undesirable rigidity; there is no easy rising or sinking out of one's class. Snobbery induces and compels social deference to a degree that does not seem to an American compatible with the dignity of man as man. Yet the present generation has seen notable changes, such as the rise to the premiership of men largely self-made, such as Lloyd George and Ramsay MacDonald. The monopoly of the "gentleman" is not so secure as once it was. The ordinary person is more likely than formerly to push to extremes the demands of his class (landlord, or artisan, or other). The result is that social control has

in some cases been taken out of the more flexible category of usage, and cast in the harder metal of law.

Practical adaptation. "Muddling through" is a well-known British phrase. Not that anyone wants a muddle. But Britons have acquired confidence in their familiar practice of mixing with the traditional just enough of the newly devised to meet the absolute needs of the present changing situation. This they prefer to systematic planning or to the "logical" deducing of conclusions for action out of general principles. These general principles may look reasonable and even glittering but they are really uncertain matters for doubt. Experience is the best teacher; try out by experiment, but do not give yourself up to a general principle, the full extent of whose implications no one knows. "Radicals" have been relatively few in British politics. Every party has been leavened more or less by a thinking group which would go to the roots of things, but this leaven was supposed to be something foreign (perhaps French), to be kept strictly under control. The result is a constitution which was never thought through to its roots, and is full of "logical" inconsistencies, the detritus left by the stream of experience.

Britain's politics has been deeply influenced by her economics. The "industrial revolution" originated here. She gradually became the manufacturer of the world, drawing raw materials from abroad, and depending for her sustenance and profit on the sale of her industrial product to the world outside. She provided herself with a fleet of unique strength for the purpose of maintaining these connections, so vitally necessary to her economy.

Expansion by individuals. As these relations became more extensive and complex she expanded from a nation to an empire. This expansion however was never consciously directed by national statesmanship. Individual manufacturers and traders pursued their own interests, developed their own markets and sources of raw materials. When in trouble, they called home for help and there gradually came to be accretion, bit by bit, to the mass of lands and peoples under British control. But the nation was unconscious of its imperialist expansion. In the fullness of time new British nations, such for example as Canada, became conscious of themselves; they demanded and got recognition as

nations. The point for our present study is that this imperialist growth of Britain has been in high degree the work of individuals and private groups, asserting and developing their own personality. A socializing consciousness, even a social conscience, has been slow to grow, and until very recently might be regarded as an essentially un-British thing.

CONSTITUTION: HOW AMENDED?

A way of life. The British constitution is mostly a way of life. It contains documents, it is true, some of which are of great importance; there is law, some "common" and "unwritten" but enforced in the courts, some written or enacted by a law-making legislature; but the great bulk of the constitution, in fundamentals and in details, is *practice*: what *is done*. This is true of other countries as well, but it is more significantly important regarding Britain, for here we find no one document of uniquely solemn character, made and adopted at one date by a nation consciously determining its constitutional make-up in the form of law, that is designed to control its practice. For Americans especially it is important to observe at the outset that there is no body of phrases in a sacrosanct document, with which as a norm all other laws and governmental acts must be compared, to be tested for "constitutionality." Many practices of the British constitution, of the most fundamental and far-reaching character, have never been reduced to precise phrase, except as they have been dealt with by treatise-makers for information, or by foreign governments for imitative importation.

Settlements. Nevertheless, for comprehensible description, it is convenient to differentiate four different types of constitutional elements. There are (I) *Settlements*, sometimes called "land-marks," each of which might be called the treaty of peace, the terms on which, after a period of crisis or severe civil conflict, basic questions were settled, as to the presence and relation and comparative weight of political forces. For example, Magna Carta (1215) recorded the terms by which the king on the one hand, and the barons and the clergy on the other, made peace and promised to understand each other for the future. Not only the men but the institutions (monarchy, clergy, baronage) as con-

testants might be said to have agreed in determining what was to be the nation's way of life on the supremely important matter of the subjection of the monarchy to law, and on many other points that were then at issue. Likewise in the Bill of Rights (1689), Monarch and Parliament after a gigantic though (on this immediate occasion) bloodless conflict stated the terms by which the nation might rely on their acting, certain rights of the citizens and of the people as a whole, which the king must not infringe on pain of being dethroned. So also the Parliament Act of 1911 determined, after a crisis of several years, on what terms the Houses of Lords and Commons should function in future.

These instances may indicate that this type of constitutional element is not only, like Magna Carta, venerable because it is ancient and grew out of a striking crisis, but may come from all periods, even the present. Furthermore, there is no precise, limited list of Settlements. The constitution contains many settlements, of varying degrees of importance, which may or may not be listed as parts of the constitution according to the writer's point of view regarding any matter at issue, whether it is matter-of-course or notable, whether it is fixed and stable and accepted; or—still debatable.

Common Law. Another type of constitutional element is the (II) *Common Law*. Here are ancient principles, dateless because presumed to be of immemorial antiquity, enforceable in court as law, but never formulated by a particular statesman or party, and hence all the stronger in public opinion. They apparently approach the status of unchangeableness, because they are regarded as written in the very nature of common English humanity.

Creative Statutes. Still another element is the (III) *Creative Statutes*, by which at a set time and occasion, Parliament set up an institution, and gave it legal powers, men, and money and administrative equipment. A notable example is the Board of Trade, founded by Act of Parliament in 1696. But these statutes are found most largely in the latest decades, and there will no doubt be others in the near future. For the chief instrument of present-day constitutional progress is a Parliament led by a Cabinet, which desires to meet social needs by governmental

service. New instrumentalities are always likely to be invented by administrative ingenuity and achieved by a public proclamation of political purpose, which commands votes in Parliament, not waiting for the slow accretion of habit. It may almost be said that the day of government planning is in sight. As medical, agricultural and other science progressively points out the way, those most interested in a new governmental activity develop a scheme, and on a favorable opportunity the party in power adopts the scheme. The new social instrument then is made somehow to fall into place with the old, and the new activity becomes a part of the nation's established way of life.

Adaptation. Both the second and the third types of constitutional element are subject to an important qualification. The ancient idea or institution existing at common law, and the brand new constitutional mechanism, created by parliamentary statute last year, require and involve a constant process of adaptation. The ministers and their subordinates are applying their legal powers in ever new (or at least newly adapted) ways, and these ways are being tested by the courts for their propriety, and especially for their consistency with previously recognized law. This process of interpretation is both administrative and judicial. That is, the man in charge of a governmental power for public use is finding new meanings and trying them out; these experiments may run against vested interest; the injured interested party brings suit in the courts to test how far he may rely on the old understanding of the requirement of the law, how far he must adapt himself to the new. In all this process the law controls, as interpreted and administered by the courts. But it is even more true to say that Parliament controls, since it may immediately and freely overrule these court decisions. The American finds it difficult to conceive, but it is true and it is important that he realize, that in Britain there is no impregnable entrenchment of the ancient or established institutions in a higher law that is beyond Parliament's power to amend.

Usages. A penumbra or twilight zone around these three already named types of constitutional element is the body of (IV) *Usages*, sometimes called *conventions*, customs, practices. A course of conduct is what "is done"; the contrary "isn't done";

and that is enough with most Britons to condemn it. The British being of that kind of temperament, convention binds them to fairly fixed rules of conduct. But not too fixed; for there is an elasticity about these things that entitle one to call the system organic, not mechanical. The constitutional rule is the way of life, not of hard and fast legal rigidity; flexible yet firm, like oak instead of rock or steel in its foundation strength.

Enforcement of usages. In this last field are found some of the most deep-seated, far-reaching rules of the constitution, such as the relations of the Houses of Lords and Commons to each other, also the time and the manner of appealing to the people on ministerial tenure of office or on amendments of the constitution. A matter is left by the law with uncertain limits; convention determines which of two or more equally legal courses of conduct is constitutional. This convention may be clear in principle, but the detail of its application may vary with political circumstances. All is interpreted according to one over-mastering principle, viz., that the people's will must prevail in the practices of the government. Obviously that puts a severe strain on the political virtue of those whom government puts or finds in a position to make that determination, that is, the governing class. The enforcement of the conventions may depend in part, as Dicey says, on the political certainty that sooner or later unconstitutional conduct will lead to illegal conduct, which has its own familiar system of enforcement, that is, in the courts with their legal compulsions. But probably far more of what makes the usages prevail is to be found in the Briton's way of life, his constitution as a human being. Such and such a practice is the way in which the governing class acts. One who does not act accordingly is "out of it," he is not in the governing class; they will not have dealings with him; he is not playing the game. As with the conduct of those tremendously important matters, cricket matches, one who does not observe the rules is not arrested by the police constable, but it is sufficient to say that what he is doing "isn't cricket." No one will play with him. Therefore he observes the rules.

Amendment of constitution. The process of constitutional change, paradoxically enough, is one of the most important fea-

tures of any constitution. This is the natural consequence of the vital, not mechanical, quality of constitutions. How does the material that composes the body get renewal as the old tissue dies and needs replacement? The answer is that, whatever may have been done in former days, by innovating kings like Henry II and Edward I, the modern constitutional amendment is a process performed directly by Parliament or under its control. This means largely the House of Commons, and especially its dominating element, the Cabinet. One of the principal functions of the prime minister is to observe at what points the present way of governmental life is inadequate to the needs of the sovereign people, and bring about the required changes. Amendment is achieved partly by the power possessed by himself and his ministerial colleagues of constantly, minutely adapting political and administrative practices to new needs; but it may go so far as legislative action by Parliament. The presumption is that this change is only to go so far as the popular will absolutely requires, and it will depend upon political circumstances whether the prime minister may act immediately and directly, or needs to consult the popular will by dissolving Parliament and holding an election to enable the voters to declare themselves on the new constitutional issue thus presented. In any case we must observe that the process of adaptation is going on all the time.

Constitution a traditional way of life. There is no un-amendable part of the constitution. Even the sacred landmarks have once or twice been moved. But apart from such rare occasions there is no special procedure, with difficulties and solemnities, to compel the public to be conscious that it is changing its way of life. There is no obstacle save that which is in the conservative mentality of the sovereign people, no hard and fast legal criterion, by which one may distinguish the alteration of the constitution from the alteration of ordinary law and practice. One must be content with the general principle: the constitution is the traditional way of life. When a notable change is proposed, it challenges consideration by observable methods. In the last resort the change may be notable enough to require a quasi-referendum, that is, an election of the whole membership of the House of Commons, called and held explicitly

on that issue, though even here the constitutional issue is clouded by considerations of personal candidacy and by the inevitable secondary issues. Such an occasion was the election of December 1910, upon the issue of the House of Lords.

Constitutional change gradual. But it must also be observed that much constitutional change does not come to pass in this striking critical fashion. Slight and gradual changes are being made all the time, each item probably by general consent, being made only when manifestly necessary, and in that case immediately, by the person or institution most directly concerned to execute the people's will. In fact this tradition which provides the material of the constitution, and which must be conserved if its continuing life is not to be lost—is something which, in the very process of being handed on from generation to generation, from man to man, receives increments and suffers decrements unawares. The child of 7, the boy of 14, the man of 21, are all the same person, though every cell of the body of the child has been supplanted and replaced in the body of the boy or man, though his nurture and education has developed or suppressed habits almost beyond recognition. So it is only by examining an institution minutely, at considerable intervals of time, that we observe how the organic continuity is maintained in and by constant changes. Compare the House of Commons, in the epochs of the Dukes of Marlborough and Wellington and of Ramsay MacDonald, roughly speaking at 100 year intervals; compare at the same intervals the position of the king, of the chief minister and his colleagues in the Cabinet, of the central government in its relation to the local units. The changes are enormous, yet in several of the instances cited they had been as imperceptible while they were occurring as is the river's shifting of its course by erosion and accretion. In no instance was the change sudden enough, or enough of a departure from the law and settled practice, to be noticeable or violent, or law-breaking enough to be called "revolution." Whatever may be true of biological evolution, the constitution has evolved by the constant struggle of practices for existence and the survival of the fittest, that is, the practice found most convenient by the elements politically dominant. On rare occasions there have been crises,

with consequent changes important enough to be called "mutations," but for the most part change has been unperceived and gradual. When seen in historical perspective it is immense, but it has practically always been gradual and orderly.

HISTORY

The British constitution has had a long and involved history, of which only a few points can here be suggested. Its importance is due, in part, to the circumstance that much of the constitution is to be found not in laws or other documents, but in *what has taken place*. On some critical historic occasion certain political men or groups or forces found themselves in a relation either of coöperation or of opposition. That situation having been ascertained in a crisis, men and institutions from that time on conducted themselves accordingly; and such conduct is the constitution—the nation's way of life.

Norman authority. It is of the utmost importance that a thoroughly unified authority was very early established and universally recognized. The migration of Germanic peoples to the larger of the British isles, and their unquestioned acquisition of a dominating position there took place in the fifth century of the Christian era. After long struggles between tribes and especially among chieftains, a single kingship was recognized. But this kingship was relatively weak until the military conquest of Saxon England in 1066 by the Norman duke William, coming from northern France. He and his two sons established themselves strongly, and ruled as despots. From their epoch a single authority—the Crown—has been unquestioned. They left undisturbed the local government of counties and townships, and also the personal law that they found prevailing by custom among their subjects. They left no doubt that England was one and was royal: feudalism, with its divisive tendencies toward anarchy, was manifestly put under control and in the way of extinction. But law, originating in popular custom, was early made not only royal but national, a popular heritage of inestimable value.

Angevin legality. The rule (1154-1189) of Henry II from French Anjou, founder of the Plantagenet dynasty, was mainly

characterized by judicial development. The king had a passion for administration, and he built up courts which could develop the law of the land. The king may have been chiefly interested in the profits the judges should bring back to his Westminster exchequer; but there were two other consequences, more interesting to the nation at large, that flowed from his judges' activity: the preservation of the king's peace, and the ascertainment and enforcement of the legal rights of the individual citizen. So securely did Henry II build that the governmental institutions he created were able to survive during the reigns of his weak and frivolous descendants, Richard and John and Henry III. During the thirteenth century the royal exchequer system and the royal courts and administration were found to be vigorous even when no strong king was there to support them. The kingship, which had been the situation of a preëminent man, became an institution. Another great king of the same dynasty, Edward I (1272-1307), was wise enough to see that "what concerns all must be advised by all," and to call into the service of the nation not only magnates—rich lay lords, bishops, and abbots—who had surrounded the earlier kings as Saxon Witan and Norman Concilium, but also representatives of other groups. Edward I's Parliament (1295) contained representatives of the lesser barons and also burgesses of selected towns, to signify that the new town life with its industry and trade was to be set by the side of country life as an important element of the nation. Out of these various elements the following centuries were to develop a truly representative body in two houses, which should be recognized as the king's Parliament, gradually as the nation's Parliament, capable of "talking" in the king's (the nation's) business, assisting him authoritatively in making the nation's finance and law.

Tudor leadership. This achievement was not unique. Something of the same sort was going on at the same time in the other great nations of Europe, especially Spain and France. But in England's case the Parliament's constitution and position was made so firm that it was able to survive when parliaments in other lands succumbed to the attack or encroachment of absolutist or "divine right" autocracy. After the Plantagenet dynasty

ran to seed and the great feudal families allied to York and Lancaster had killed each other off in their ruinous civil war of the Roses (1399-1485), the Tudor family (1485-1603) brought a revival of national unity in defense of the nation's ecclesiastical and civil self-determination, also the separation of the Church of England from Catholic Rome, and the defeat of Spain's effort to win European domination. During this great struggle the king exercised a species of benevolent despotism, largely concentrating in the royal hands the authority that had previously belonged to Parliament and the courts. But the Tudors, especially Henry VIII and Elizabeth, maintained the nation's familiar institutions, at least in legal form. The House of Commons might be threatened, cajoled or corrupted by the sovereign, whose royal mind was royally determined in Privy Council or Star Chamber, but at least the form was observed that Parliament was the nation's representative body, constitutionally entitled to legislate and to control.

Stuart conflict. The Stuart kings (1603-1689) attempted to revive absolutist royal authority, and to establish the antiquated but again new-found principle that royal authority was by divine right, not to be questioned or thwarted by the nation. But the nation, through the growth of industry and trade, was growing to a position of self-consciousness and economic power that might not be gainsaid. Parliament, under the lawyers' lead, reasserted its authority. There was civil war, heavy bloodshed and destruction, the execution of King Charles I, and the dictatorship of Oliver Cromwell. The attempt of James II to make law by royal decree (even for the high purpose of religious toleration) against the law of the land and the will of Parliament, led to King James's exile (1689) and the extinction of his principle of royal power by divine right. On the whole the result of the Stuart attempt to revive absolutism was an utter failure.

The revolution of 1689. The "glorious revolution" of 1689 was the only revolution that has occurred in England's happy constitutional history. Measured in terms of the American (1776), French (1789) and Russian (1917) revolutions, it has no reason to bear that name at all, but was only a notable political turning-point. It was "glorious" because the course of

events made certain thenceforward that all constitutional powers, even the royal dynasty's right to the throne, depended on Parliament's will, as the expression of the nation's desire. The Crown was now a national possession and, after the Act of Settlement (1701) which designated the dynasty of Hanover, whoever wore it must recognize that he received it by Parliament's will. From now on there was no more "separation of powers." Parliament no longer had any motive to strip away, by force or purchase, the prerogatives of the Crown. Whatever the Crown should do must be that which the nation in its Parliament had determined. Since that time the powers of the Crown have not been diminished but constantly increased, as the nation has found it desirable to bring social action bit by bit under control of the law and of the nation's responsible servants, hence to create new royal, that is to say executive, agencies. The Crown has become the nation's Executive Power.

Control by Commons. The period since 1689 has seen a multifarious development of governmental authority, all in the direction of popular control. The king's personal authority has been gradually but constantly diminished, toward a position which might almost be described as the hereditary presidency of a self-governing democracy. The great lords who led the nation's rising against James II continued through and beyond the eighteenth century to dominate the situation, but after the reform of the suffrage (1832) the House of Lords was led by the nation's Waterloo hero, the Duke of Wellington, to assume a more useful function: they were to be a mere advisory council, a regulating brake upon too rapid action of the real motor, which was now recognized in the Cabinet ministers, leading the House of Commons. The Cabinet, which had developed under the lead of its first premier, Walpole (1721-1742), as the sole regulator of administration and the sole initiator of legislation, had become the actual ruler of the nation. It has evolved as a feature of the party system, step by step, during the whole period subsequent to the definite assumption of mastery by the lower house. The Commons, whether or not really representative of the nation, asserted the right to determine which of two rival groups of its leaders might claim executive office and legislative

leadership. The king and the lords must acquiesce. As there were Whigs and Tories, later Liberals and Conservatives, there were always Ins and Outs, the team at bat making scores and the other team out in the field, trying to thwart the efforts to score. When the team out in the field succeeded in scoring enough put-outs, the inning was closed; the Ins went out, the Outs came in. A party which had been negative, criticizing the government, had now to govern, to make positive efforts to score. This scoring consisted in administration and legislation of a character satisfactory to the country. With the swing of the party pendulum the House of Commons, turning now to the right, now to the left, putting in office party teams of leaders in alternation, was enabled to govern the nation, indirectly to be sure, but potently.

Parliamentary "reform." In the generations that followed the revolution of 1689, the last great feature of constitutional change was the transformation of the internal character of the House of Commons. As the suffrage was subjected to one "reform" after another, in 1832, 1867, 1884, 1918, and 1928, the ruling body gradually became a popular body. From an extremely narrow suffrage, largely exercised in its own interest by great wealth, especially landed wealth, whose directors were really the leaders in the House of Lords, progress was made, step by step, to a suffrage that is substantially universal.

The story of the constitution has brought us down from the absolutism of the king to the absolutism of the voting community. The mechanism of national government has been simplified in its fundamental structure, while its superstructure was becoming infinitely complicated. The people can have their way without let or hindrance—if they can find out what that way is, and can choose which among several desirable ways is most urgent to be followed.

Unsolved problems. The problems that remain, however, are not few or simple. How can a body be said to represent the people, when that body is habitually elected by what is really only a minority of voters? For they are distributed among more than six hundred separate, unrelated territorial constituencies,

each of which elects a single member by plurality; that is, success is decreed only to the largest of the three parties in the constituency. The parties are more or less haphazard in their local readiness to act in coöperation. Even when two parties do by their coalition enable the voters to make a clear determination by majority versus minority, they do it by making "immoral" compromises. There are other problems. How can it be conceived that a merely human being such as the prime minister, with whatever mechanism of responsible subordinates hierarchically organized, can bear the concentrated responsibility of supervising administration and enacting legislation for all the concerns; national, regional, and local, of a highly developed people of forty-five million? And that says nothing of the task of supervising a far-flung empire of colonial possessions, and leading a league of free British nations (the Dominions), and playing a worthy role in the community of the world's independent and yet interdependent states. And how can the expert administration of the details of modern government, a hundred intricate businesses dependent on one finance, be geared into the public opinion of a nation whose voters are numbered by the tens of millions, most of whom are too much absorbed in their own private affairs to give adequate attention for understanding and controlling this endlessly complicated public business? As we shall see, Britain, after a thousand years of constitutional history, faces—or evades—enormously difficult problems that press for solution. Those just mentioned bear the dread names of True or Proportional Representation, Devolution or Federalism, and Bureaucracy in its relation to Public Opinion.

THE CROWN

Among the concepts and concrete institutions whose operation, all taken together, constitutes that "way of life" which we call the constitution, the most ancient and venerable symbol, most conspicuous and pervasive, is the Crown. Law is made by the "Crown in Parliament," and enforced by the "royal" courts and administrators; the defense of the realm is by his majesty's armed forces; it is the ministers of the Crown who in a "Speech from the Throne" declare fundamental policy, and conduct every-

day routine administration—in a word it is the Crown that governs.

The Crown governs. The distinction must at once be made between the Crown and the kingship. The Crown is the symbol of the nation's unity and of effective political and administrative power; the kingship is the position occupied, the role enacted by a certain exalted personage. This person is now Edward the Eighth, ninth king in a dynasty whose successive members have occupied the position since 1714, as determined by an act of Parliament passed in 1701.

Kingship. The kingship came to light with the dawn of English history, some fifteen centuries ago. We are not here concerned with the fascinating story of its changes in character with the successive dynasties (Saxon, Norman, Angevin-Plantagenet, Lancastrian, Yorkist, Tudor, Stuart, Hanoverian or Windsor), save to observe that it was once feudally weak and is now nationally strong, was once absolutist, tyrannical and capricious and is now a creature of law, a useful instrument of democracy. It is hard to imagine the nation now creating such an institution if the slate were wiped clean and a constitutional conference were now providing a complete new outfit of necessary institutions. But it is equally hard to imagine the British people now abolishing an existing institution of such venerable antiquity, associated with a line of occupants some of whom—for example, William I, Henry II, Edward I, Elizabeth, William III—were illustrious figures and rendered notable services to the nation's political evolution. The person who is to be king—or queen—has for centuries been ascertained by the simple rule, that on one sovereign's death he is succeeded by his eldest son or if that son be dead, then that son's eldest son, daughters inheriting similarly only in defect of sons or son's sons. The parliamentary acts of 1689 and 1701 further limited the succession to members of the Protestant faith. If the legal successor be a child or if the king become incapacitated, Parliament provides a regent, sometimes a regency council as in the case of Edward VI, sometimes a single person, such as the son of George III, during that monarch's repeated and protracted periods of insanity.

"King can do no wrong." For governmental purposes it is important to observe at once that the king by ancient maxim and constitutional principle "can do no wrong." All that he may do in any matters of political importance must have the support and counter-signature of a responsible minister, who takes the blame if this political act is not well received, and in the contrary case receives the credit. Though this rule is ancient, its present meaning has been acquired only very gradually, much of it only within the last hundred and fifty years. Since the release of John Wilkes (1763) it has been recognized that the king's speech to Parliament is written by his responsible ministers and may be freely criticized as their deed. Since the younger Pitt's rejection of Lord Thurloe, the king's appointee to the lord chancellorship (1784), it is known that *all* the king's ministers are chosen by the premier, even conceivably against the king's express desire. Regarding the monarch's influence in foreign policy the change cannot be referred to precise dates or events, but, whatever Victoria thought she could do with or without or against Palmerston, the parliamentary foreign secretary, it is clear to us now that Edward VII (1901-1910) did *not* pursue an "encirclement" policy, as the Germans supposed, or indeed conduct any other policy. He was rather the instrument of his foreign secretaries Lansdowne and Grey, both in turn responsible to the House of Commons. He doubtless had influence, as servants often do, but he was not master.

Advice and warning. The king must be informed by his ministers, regarding important matters of policy. He may advise them, by way of encouragement or warning. That advice may be considered and given such weight as is due to the king's experience or individual wisdom (if any); but it is accepted or rejected upon the sole responsibility of the minister directly concerned, and especially of the premier as spokesman of the whole Cabinet. The advice may be of great value, since the king may have seen ministers come and go, experiment with policy and succeed or fail; furthermore he is above party and has presumably no personal but only the national interest to consider. But the king may also be lazy or stupid, or even perverse. His advice or even pressure in behalf of a policy may be a handicap;

it is borne as such and is not decisive, it is weighed by the minister as he would weigh the advice of an "elder statesman" or a personal confidant, a permanent subordinate or a private secretary; the minister alone decides and Parliament judges accordingly. The king's advice is given confidentially, and it would be in the highest degree unconstitutional that anyone should inform Parliament or the public what that advice has been.

Symbol of unity. To the public the kingship appears as a personification of the nation. Merely as such it is of value, a symbol of unity. While ministers are partisans, the king is (so far as the public knows) above partisan differences; while they are personally ambitious, he has nothing to gain, save that the nation should prosper through his employing, by turns, the services of one minister or party after another, always the one most acceptable to the House of Commons and the nation. As a flag he must fly with the wind. Victoria's policy was imperialist under Disraeli, and anti-imperialist under Gladstone; George V's policy was Labour policy under Ramsay MacDonald, Conservative under Stanley Baldwin; by turns he is for and against all sorts of policies, as the nation's opinion veers with the wind of parliamentary and party debate. Yet these winds are of less violent effect by virtue of the ship's inertia, symbolized in the king's authority. There is steadying value in this continuing momentum. The average citizen may be fiercely partisan, but the citizenry as a whole is not; they can well appreciate that the "king's government must be carried on"; this imperatively calls not only for partisan advocacy but for unchanging fidelity in the public, national service. The head of the state must not be a politician with partial, partisan views; he must, so far as the public knows, be the personification of statesmanship, deserving of the confidence and obedience of the whole public.

The Crown as government. Turning to another symbolic aspect of monarchy, the Crown must be conceived, non-personally, as the nation's executive. The latter is not separated from the legislature and judiciary. The Crown is, as a whole, "the government" in a far deeper sense than can easily be imagined by the American, with his prejudice for a balance of powers. The Crown initiates projects of policy and makes law with the as-

sistance of parliamentary representatives of public opinion. The Crown executes that law and conducts the whole national finance and administration. The Crown in its courts adjudicates disputes and punishes crime, in a word gives force and validity to the law.

The Crown no longer personal. This authority was once exercised by the king personally. By gradual stages it has been brought under the control, first, of a land-holding and ecclesiastical aristocracy, and later, vaguely, gradually, but steadily under control of the people generally, voting for the House of Commons. For several centuries the royal "prerogatives" were matter for dispute between king and popular representatives. Bit by bit a Plantagenet or Tudor king might give up to the House of Commons the control of a specific bit of authority that had anciently been his, might *sell* his prerogatives, as it were, to win parliamentary grants of money for purposes of the royal policy. But at the "glorious revolution" of 1689 there came a great change. By the expulsion of James II and the substitution of kings who were substantially the creatures of Parliament, it became undesirable to take powers away from a Crown that was now popular and parliamentary in basis. Since that date the royal prerogatives have been not diminished but constantly increased. Royal authority, now exercised in the people's behalf, has been constantly augmented by modern legislation, as public opinion has desired specific bits of social activity to be put under governmental control. As the Crown has come under¹ democratic control, its prerogatives have become privileges of the people.

Continuity of Crown. This transformation of the Crown, from despotism to democracy, has been a matter of long history. The "revolution" of 1689 was only the most striking manifestation of the whole modern tendency. Even on that occasion continuity was preserved in high degree. King James II was held to have "abdicated"; his own daughter Mary Stuart (a Protestant) succeeded to the throne with her husband William III by Parliament's will. The important thing to be observed is that there never has been a "revolution" in the usual sense of that word, that should challenge the unity and continuity of the

nation's government. This government has been conducted, since the days of Æthelbert and Alfred, by or in the name of the nation's kings. This kingship however by gradual processes ceased to be a person, a monarch, and became a Crown, an abstract concept. It stands for a great body of continuous tradition, of governmental practice, of coöperating public servants, under constantly more genuine control of the people.

Privy Council. The authority of the Crown is exercised by three bodies, Privy Council, Ministry, and Cabinet, which must be immediately distinguished. (1) The *Privy Council* is an ancient institution, a continuation in some sense of the Witenagemot (meeting of the wise men) of Anglo-Saxon times and the Magnum Concilium (great council) of the Norman and Angevin kings. During the Tudor period it was really the Privy Council which governed England in the name of the king, the Parliament being relatively weak and subservient. The Council contained all the great executive, ecclesiastical and judicial officers of the realm, appointed by the king, and dependent solely on his favor, as leader of a dominating oligarchy. In its secret consultation matters of policy were determined and to these Parliament later gave formal enactment. It supervised and coördinated all executive activity, and through the High Commission and Star Chamber it largely dominated the judiciary as well.

But during the period of the Stuart dynasty this institution of which the Tudors had made moderate and popular use claimed *all* authority—and lost all. As the exponent of the king's divine right it fell, with the nation's definite rejection of that doctrine. Since the "revolution" of 1689 the domination of Parliament over all realms of governmental activity has been clear. The Privy Council has retreated into obscurity and has become the shadow of a shade. By law the Crown's government is carried on solely by the advice of his council, but that only means that whoever is designated by Parliament to occupy high executive office must for form's sake be appointed to the Privy Council. This dignity he retains for his whole life, though the later vicissitudes of politics may put him out of office and make impossible the reception, not to say the acceptance, of his advice. The letters P.C. continue to be written after his name, as "Right Honorable" is pre-

fixed, as if it were an honorary degree. Sometimes indeed men are appointed to the Privy Council merely as a personal honor in the first place, by reason of public services, or for any other motive appealing to the prime minister and king.

Orders in Council. Executive decrees are still called "Orders in (Privy) Council." But meetings are held solely for the purpose of giving them formal validity. Ordinarily one or more members of the Ministry sign a decree and that makes it the act of the Privy Council, legally adequate.

Relation of Ministry to Cabinet. The (2) *Ministry* and (3) *Cabinet* are related as outer and inner circles of men who occupy high executive office and are at the same time the trusted leaders of the party chosen by the voters as majority in the House of Commons. There are always some five dozen ministers, of whom about twenty are Cabinet ministers. The list is not definitely fixed, because the exigencies of administrative development and especially of party politics, varying from time to time, bring it about that the necessary qualities are variously attached to a varying group of men. *Ministers* are those holders of high executive office whose tenure of office is political. That is to say, it is those officers who come into office because their party is for the present time able to command a majority in the lower house. They change as a body, an integrated team. This majority may not always be homogeneous, as composing a single party. It has happened more than once during the last decade that the ministers were given genuine support only by their own party, a minority; but indirect and fitful quasi-support was given by enough members of other parties to total a majority. These quasi-supporters were not satisfied, but at a critical test they would give votes to these ministers rather than to any other visible alternative group. The Cabinet is that group of the ministers, as just defined, which meets for consultation on the government's policy and coördinates the activity of the ministers in their capacity of administrators. To the Cabinet as such we shall return, after dealing more particularly with the ministers, who never meet for consultation, but have the purposes, the strategy and tactics of their team-play determined for them by their inner circle, the Cabinet.

Politicians. Ministers are politicians—or statesmen; for the British usage makes no invidious distinction and calls all those men “politicians” who are active in parliamentary politics rather than in administration, and who come into office and go out of office at the will of the House of Commons. One becomes a minister, never by rising in the ranks of the civil service but only by parliamentary activity, by being a leading member of the party in power in the Commons. These leading members of the party may be themselves members of the House of Lords, but the tenure of ministerial office depends on the will of the Commons alone.

The offices whose holders are ministers are of various types as to dignity and salary, even as to name (minister, secretary, president, commissioner, first lord, etc.) and their activity covers a range as wide as is that of modern administration. Some administrative offices have two ministers, perhaps one in each house (for a minister may speak and vote only in that House of which he is a member); some have more than two ministers, some only one.

Treasury. First in dignity and power is the Treasury. Queen Elizabeth's great Lord Burleigh ruled England. But his great and ancient office of lord high treasurer came to be regarded as too powerful for one man to hold, and was “put into commission”; that is, a first lord, a chancellor of the exchequer, and three junior lords were created as “Lords Commissioners for executing the office of Lord High Treasurer.” These are all “ministers” to this day. But the modern evolution has restored the centralization of power in the Treasury, and all is now under the control of the chancellor of the exchequer. The first lordship of the Treasury is the salaried office usually reserved for himself by the prime minister, but it has no special connection with finance. The junior lords of the Treasury are mere party whips, who perform political and not administrative services for the party in power: they are to control or at least keep track of the members of the party; in the old phrase they must “make a House, keep a House, and cheer the Ministers.” There is also a parliamentary secretary to the Treasury, who is a minister, and always a member of the House of Commons.

Secretaries of state. There are a half-dozen secretaries of state, the number being gradually extended from an original one to six as the American President's cabinet was gradually enlarged to include secretaries for new departments, of growing range and importance. Among these half-dozen there is the foreign secretary, corresponding to our secretary of state, the home secretary, with a miscellany of functions that include the pardoning power, police, prisons, etc. There is the war secretary, the India secretary, the air minister, the secretary for the colonies. But the latter office is now usually divided into two, one for the colonies proper, and one for the self-governing Dominions, the latter having a function rather inter-national, semi-foreign, dealing with the relations of Britain with the self-governing nations, such as Canada and Australia, that are members of the British Commonwealth.

Admiralty. The navy department has always been regarded as of especial importance. Its office of lord high admiral was, as in the case of the Treasury, "put into commission," but the same centralizing process makes this again a one-man department, under the first lord of the Admiralty, who has five junior lords, with subordinate administrative functions.

Chancellor. The office of lord chancellor is unique. It is extremely ancient and dignified, combining the headship of the whole system of judiciary with the chairmanship of the House of Lords, and a relation to the making of pure law (as distinct from finance and administration) somewhat resembling the position of the American chairmen of the Judiciary Committees in House and Senate. There are also the attorney-general and solicitor-general, who give legal advice to the administrative departments and are concerned in the courts with the representation of the interests of the Crown.

New offices. As the nineteenth and twentieth centuries have developed new governmental activities regarding trade, health, education, public works, etc., a great variety of offices have evolved. A characteristic sample is the board of trade, which indeed dates from the seventeenth century. A board or committee (of the Privy Council) was created, composed of a number of high-placed personages, such as the principal secretaries of

state, the speaker of the Commons, the archbishop of Canterbury, etc. These men were to lend dignity to the new governmental enterprise, but could hardly be expected to do anything else in this connection, being all much preoccupied elsewhere. The real work of the new department (colonies as well as trade, closely mingled in the then prevalent mercantilist doctrine) was to be done by a number of specialists who were politically obscure men. Their leader was called president, and there has gradually developed a centralization of administration and a primacy which makes his position similar to that of the so-called secretaries of state. The same process, the birth of a new office in the form originally of a committee of the Privy Council, has gone on in several other cases, including notably local government and education, the head of this last-named office being called "President of the Board of Education." But the more recent practice is to dispense with the ornamental board members, and to create by parliamentary act a new Ministry, with a "minister" at the head. We have not the space for enumerating all these offices or describing their multifarious work. The important point is that every administrative department must have at its head one minister or two, who shall be able to represent that department in Parliament, to answer parliamentary questions about its work, and secure its due consideration in the allotment of parliamentary time for legislation and of national appropriations.

Ministerial function. The minister is not appointed as an expert in this field of administration. For that expertness he relies on his subordinates in the civil service, who are entirely out of politics and on good behavior tenure. Not infrequently an active politician occupies four or five different departmental headships one after another in the course of his ministerial career. He must be of flexible mind, which can quickly grasp from subordinates (experts) the essentials of the department's problems; for he is temporarily the master of all these experts. But the field of his own real expertness is the representation of his department's ideas and needs in the House of Commons and Cabinet. The ministers, taken as a whole, though they never meet, provide the Cabinet with a body of political coöperators and

team-mates each of whom is for the time acting as the energetic spokesman for one of the many aspects of administration. For these bodies under the Cabinet's coördinating leadership must be provided with money and legislative authority, while over these bodies the House of Commons in behalf of the voters exercises supervising control through its trusted leaders, the ministers.

Minister's relation to civil servants. The duty of a minister, as such, is not to consult—that function is for only the inner circle, the twenty or so Cabinet ministers. Nor is the minister, as such, to administer his department; that is for the permanent civil servants who compose it. The minister is unfamiliar with their field of expertness. He must depend on them to inform him what the department does and needs, and to carry out whatever is determined as the policy of the department. The political function is his, and that alone. He is to see that the department is run, not to try to run it himself. For many men, much of the time, the ministerial attitude is passive, letting things take their course, letting the mechanism go through its accustomed, almost automatic motions. But when a political decision is to be made, he alone is the master who may and indeed must make it, in harmony with his minister-colleagues similarly placed in their departments. It is for him to translate a general idea, a policy that has been determined in the Cabinet, into specific practice in his own department. He cannot stir hand or foot, departmentally, without the assistance of his permanent civil servants, but whatever they do is in legal theory done on his impulse. He is the man on the bridge of his ship. The general orders come from the squadron commander, but so far as his ship is concerned, it is he who must give the commands that are to be executed by the helmsman, the engineer, etc.

A minister who is equal to his position, especially if he has already seen ministerial service in one or more other departments, develops flexibility as his chief characteristic, ability to do what his subordinates cannot do, just because they are so thoroughly habituated to thinking within narrow departmental lines. He is more free to see his department's problem in the light of the problems, needs and possibilities of other depart-

ments. He has so much the more capacity to view comprehensively, in some degree as the premier must, the problem of administration as a whole, and his department as a part of that comprehensive scheme.

Elasticity. Coming to his department as an outsider in the first instance, he can see its deficiencies. His subordinates are in a rut, he is above it, concerned if possible to get out of the rut and make progress. As head of the department he can make fresh criticism, with far more possibility of effectiveness than can any of its members. He may, it is true, be inert, and no doubt ministers often do let their departments run themselves in the old familiar way, routineering. But the system gives at least the possibility of departmental growth by self-criticism. One keen mind, passing on from department to department, may with cumulative effectiveness freshen up a whole series of departments in the course of his ministerial career. There is always a degree of superficiality about his position and action, but his broad view of the whole surface has undoubtedly its real value as a potentiality of progress.

The Cabinet. In contrast with the Ministry, the *Cabinet*, as an inner ministerial circle, has to do primarily with the large policy of the government, the coördination of administration with legislation, the determination of the broad lines of action. The Cabinet has therefore been called the hyphen. It might be called the gearing or transmission system, whereby power is applied and distributed by reciprocal action and counter-action between Parliament and the Ministry, between the nation and the Crown, between party politics and the administration. It partakes of the quality of General Staff and of Steering Committee. The Cabinet has no existence in the law but only in usage. The very name suggests (or did anciently) a private-office backstairs group, in the secret confidence of the king, as contrasted with the whole legal body of advisers in Privy Council, hence not entirely dignified. The freedom from legal definition gives the Cabinet a flexible possibility of adaptation to changing circumstances. It is therefore perhaps the most characteristic feature of the British constitution, most admired abroad for its total effect, but most difficult of precise imitation since so much de-

depends on the non-legal features of *usage* in Britain, which are almost incapable of being translated into terms of constitutional law for use in other countries.

Membership. The membership is variable. Some twenty or so of the ministers are named as Cabinet ministers. They alone meet for high consultation, but what they determine is determined for the whole ministry, which never meets. The departments most important for the politics of the nation at the particular time have their heads named to the Cabinet: that is as definite a statement as one can make regarding its composition. But certain departments are always of Cabinet rank. Finance is perennially of supreme importance; hence the chancellor of the exchequer is always a leading member. So also, in high but less degree, are foreign affairs, preservation of domestic peace, India, the colonies, the army and navy; hence we always find the foreign secretary, home secretary, India secretary, colonial secretary, the war secretary and the first lord of the Admiralty in the Cabinet. In steadily diminishing degree of political importance one may mention other departments, such as aviation, labor, trade, Irish administration (until the creation of the Irish Free State in 1922), education, Scottish administration, health, agriculture and fisheries, public works. A department may on occasion have temporary political importance, requiring the appointment of its minister to the Cabinet, because Parliament is asking questions or legislating about this topic, and needs to be intimately informed and effectively led regarding its affairs. The occasion having passed, the department may drop back into non-Cabinet rank.

Sinecures. Another type of office entitling its minister to be included in the Cabinet inner circle is that including the lord chancellor, lord president, lord privy seal, chancellor of the Duchy of Lancaster. The lord chancellorship is one of the most ancient and dignified offices of all, with multifarious duties already hinted at in a previous paragraph. He has no administrative department under him, but for legislative leadership and for the appointment of judges, he is one of the most important of all the ministers and is always in the Cabinet. The other three above-mentioned offices are practically sinecures. There

is little or no administrative ministerial duty to perform, yet the offices are ancient and hence dignified. To them can be appointed men whose strength and efforts are to be bestowed solely on the most characteristic Cabinet function, viz., consultation. Elder statesmen whose advice is highly valued, but who are perhaps disinclined to accept burdensome administrative and parliamentary duties, can thus be given satisfactory position as ministers practically without portfolios, for close consultation on high policy and for nothing else.

Confidential debate. The Cabinet meets where and when the premier chooses, usually at his official residence, No. 10 Downing Street, perhaps once a week on the average but in times of crisis daily or even oftener. Its deliberations are secret and in the highest degree confidential, for it is the instrumentality through whose action the government of the Crown maintains unity and solidarity. The advice to the king must be *one* advice, on which the whole administration is agreed, to which the members will adhere in mutual loyalty. Here the team play is settled upon. The Cabinet has somewhat the same relation to the administration and legislature as has the general staff to the line of the army. A member of the Cabinet may in Cabinet meeting express his mind freely without fear of quotation in Parliament or press or platform. Only by so expressing himself can he make his best contribution to the group thinking that is to result in group decision. That decision should be broad-based, built upon comprehensive consideration of pros and cons, by men who are keenly aware of the weaknesses and difficulties that must inhere in every project in that difficult "art of the second best," to use the phrase of wise Lord Morley in his characterization of politics. Frank criticism, the more sharp and energetic the better, is needful before decision can wisely be made on the thousand and one steps that must be taken by the Crown, whether in foreign or in home politics, enactment or rejection of projects of law, or even the acceptance of important amendments proposed to the Cabinet's program of legislation.

Political decisions. Most critical of all is the nice question that is constantly arising, what shall the king's government, i.e., the party in power, do in the presence of the shifting currents of

opinion in Parliament and press, and public opinion? They must constantly be asking, Shall we insist or yield, here or there? Shall we threaten our followers with resignation of office unless they give us a favorable vote on this or that precise point of parliamentary debate? Shall we resign and appeal to the country by a new general election? Shall we do this today, or postpone it until tomorrow, and hope that the situation will improve politically? The Cabinet is the strategy board of the party in power. For that reason its deliberations must be secret. If a Cabinet minister is overborne by his colleagues he must be ready to accept their decision and act loyally with them—or in very rare instances burn his bridges and practically desert to the enemy, with incalculable (or rather, usually catastrophic) results on his political future. If Cabinet discussions were destined to come to public knowledge, no member would dare express himself in frank criticism of proposals lest this criticism be later quoted in attacks upon the Cabinet's unity. The strategy board would become a mere office for registering the suggestions of the commander-in-chief, and it is the commander-in-chief who would be chiefly weakened thereby, since he would lose the priceless advantage of preliminary frank criticism, and so be doomed to the aloneness of an autocrat surrounded by mere yes-men.

Secrecy. The secrecy of the Cabinet used to go so far that no record was kept of Cabinet action. The premier might keep an informal note, on which he was accustomed to inform the king, who is never present at the Cabinet meeting; but that was all. The special conditions of the World War produced an enormous temporary expansion of the ministerial services, which could not be adequately coördinated by the old informal methods. Hence a secretariat was developed—highly confidential of course—and in some measure the secretariat survives, though greatly curtailed after the war. But this does not really alter the secret character of the Cabinet; its deliberations are not matter of public record.

The prime minister. As the Cabinet is an inner circle of the Ministry, so is the *prime minister* the real center of both. There is no such office provided in constitutional law, only by usage has one person become recognized as the king's chief minister, wielding influence and responsibility which perhaps outweighs

that of all his so-called colleagues put together. The position dates from the early eighteenth century, and began with the career of Sir Robert Walpole, leader of the Whig party in the House of Commons. There had of course been chief ministers, such as various lord chancellors and Queen Elizabeth's lord high treasurer Burleigh. But after the Revolution of 1689 had settled the long quarrel between king and Parliament, had ended it with the supremacy of Parliament, it was soon determined (1694) after a period of experiment that the king must choose as his principal minister a man who was recognized as leader of the majority of the House of Commons. The precise relation or division of functions between this leading minister and the king himself was in the highest degree uncertain, however, and the uncertainty was only very gradually dissipated. Ministers came and went for various reasons, personal and political, during the reigns of William III and Anne. One of the deciding elements of the evolving constitutional situation was the character and position of the Hanoverian kings George I and George II, 1714-1760. They were Germans, absent from England much of the time, and out of touch with English politics even when in bodily presence. A parliamentary statesman (Walpole) was at hand who could and would take over in the king's behalf the functions of conducting administration and leading Parliament. The king, being a German, could not readily speak or understand English. As he found conversation in Latin awkward, he got in the habit of absenting himself from the king's council. Walpole, during twenty years and more, assumed the leadership in the king's stead. He informally established the office of prime minister around his own person and function, and placed his own ineffaceable stamp upon the constitutional situation. When Walpole lost his Whig majority in the House of Commons he resigned office (1742) and thenceforward the Walpole-function (premiership, but not officially so called) has been performed by the leader of the dominant party in the Commons.

George III's ambition and failure. George III (1760-1820) made a strenuous effort to recapture for the kingship the role that Walpole had enacted, or rather the power Walpole had gathered to himself in the performance of his function. Walpole's im-

mense Whig party being now broken up among personal factions, the king seemed for a time to have a strong chance of building up an effective, dominating party of "king's friends." For several years he maintained in office as first lord of the Treasury the man of his own choice, Lord North. But George III and Lord North had troubles on hand with the American colonies which complicated the matter still more. When Washington and De Grasse won the battle of Yorktown (1781) George III and North realized that they had lost the constitutional battle in England as well, and from that time onward the king has abstained from any attempt to disturb or usurp the premiership. (William Pitt the younger succeeded, in 1784, in establishing the principle that the king may not choose even one minister as his personal royal representative in the Cabinet. George III wished to continue Thurloe as chancellor—and king's observer—but the young premier insisted that it should be a Cabinet without Thurloe or a Cabinet without Pitt, and the latter was in a parliamentary sense unthinkable. From that time the premier has borne the responsibility and has the power to do the choosing of all the members of the Cabinet.)

Limited choice of colleagues. Naturally his choosing of them is sharply limited by many factors. In the first place, they must be prominent members of the party in power, commanding the confidence of its rank and file, under its supreme leader, who chooses them as his associates in leadership. Secondly, they must all be capable of becoming team-mates, willing to subordinate star-playing to disciplined coöperation. Thirdly, the members of the Ministry who served the party on the last previous occasion when it was in power, have a strong presumptive claim to office. It is not necessarily the same office, but must be something equally or more dignified. This group constituted the "shadow Cabinet" while out of power; bearing the responsibility of "loyal opposition" and criticism, they continued more or less the processes of team-coöperation. But in addition this period of opposition may have brought into prominence orators or critics of administration who had not previously been of importance, but who have now, through their service in criticism, made them-

selves entitled to be considered and given office, now that their party is in power.

In some instances a man's reputation for special competence in a particular field of administration makes it naturally difficult to avoid giving him that office when the party comes into power. Of this there were nineteenth century instances, e.g., Palmerston in the foreign affairs department; and there was also Mr. Snowden as chancellor of the exchequer in 1924 and again in 1928. But this situation is rare, and a surprisingly large proportion of the available ministerial material is capable of being reassigned according to the premier's judgment of the various political exigencies, such as the need of satisfying diverse groups of party members on the basis of the new changed circumstances.

Qualities of prime minister. The premiership is the central, focal point of the whole system. The choice of this man is made by the party in power, not in a formal election but by the experimental method of finding out whom they do actually follow and trust as their parliamentary leader. It used to be that this process of selection took place solely on the floor of the House of Commons, and the Younger Pitt could say that the first requisite was parliamentary eloquence; but the tendency of today is rather to emphasize party management, a mixture of what Pitt called toil and patience. The leader must have the confidence of the rank and file, and of the subordinate leaders. He is the one man who, they think, can most judiciously combine their elements into a working whole, tactfully draw out the most effective services of the individual subordinate leaders, and combine them into a smooth-running team. It is by the coöperative action of this team that he must work the administration when in power, or when in opposition set up a record upon which appeal can be made to the voters. At the general election the voters decide what leader—with his program, his followers and his record—shall be given a majority in the Commons and thus be entitled to form a ministry and govern the country.

It is a singular combination of qualities that make the trusted leader. His eloquence in Parliament or on the platform may be an important factor in winning to the party both a preponderant following and their voluntary, self-disciplined obedience. His

special services in administration may be widely recognized and make him an indispensable asset to the party's balance at the bank of public confidence. So a Gladstone, a Disraeli, or a Lloyd George is remembered as the man who made such and such achievements on the party's asset side, and contested with greater or less success against the opposition party's efforts. As long as his record is on the whole more successful than otherwise he remains the party's head, without election and by mere tacit recognition. The rank and file and the sub-leaders follow with more or less enthusiasm.

Leadership in Commons. All these phenomena are watched from day to day by the party whips, who report constantly to the leader on the temperature and pulse of the party as a whole. If the leader dies or withdraws from public life, the party itself chooses his successor. Not that there is a primary election; the principal sub-leaders figure out which among several possible candidates is the most likely to win the following of the rank and file under the new circumstances. In this process they may exclude from the leadership one who is really a conspicuous, outstanding figure, as when Lord Curzon was passed over and Stanley Baldwin became head of the Unionist party in 1922. This choice was partly due to Curzon's being in the House of Lords, whereas in this democratic day the House of Commons can hardly be satisfactorily led save by one of its own members, and this function is of supreme importance. But the situation was largely affected by Curzon's being regarded as aloof, untactful, not at ease with ordinary folk, while Baldwin was friendly, well-liked, capable of winning instead of repelling the coöperation of team-mates. Regarding this delicate matter, at least one thing can be said with assurance: the leader is *not* designated from outside Parliament, and is not elected by the party either in popular vote or in parliamentary caucus. The leader designates himself by being the one whom the members of the party do as a matter of fact follow, the fact being judged and ascertained informally by the few best qualified to know, and by them certified to the king.

Leadership in Cabinet. The prime minister's position in the Cabinet is not capable of exact definition. It varies greatly with

personality and with political circumstances. He must be dominant, but not domineering. He usually has no department of administration directly under his own charge, though where there is special competence that does sometimes happen, as in the cases of Peel and Gladstone, each of whom became chancellor of the exchequer, and of Lord Salisbury and Ramsay MacDonald, each of whom was foreign minister. Usually the premier finds himself sufficiently occupied with the task of exercising a general co-ordinating supervision of all branches of administration, and especially of studying and passing judgment on questions of high policy referred to him by the heads of departments. In this respect his position is very similar to that of the American president, but the premier bears a tremendous added responsibility. He must use his dominating position in the House of Commons to formulate and execute the will of the nation as his party has proposed it, since he has secured from the country the majority votes therefor.

His colleagues in Ministry and Cabinet find their unity in him; they stand or fall only with him. Each one may call on him for parliamentary assistance in legislation, and especially for financial support and administrative backing. They cannot possibly have a policy of their own apart from him, or coördinate their activity except through him. He can conceivably end a Cabinet debate by announcing his considered judgment, different and opposed to that which one or several have expressed. Matters are not there determined by counting votes, but by counsel given to and accepted by the premier. He has everything to gain or lose by good understanding with his colleagues. He would better not try to lead where they will not follow him, but he also knows that they are all more or less dependent upon his giving them a lead, he must not wait for them to push him. One and all freely criticize what has been proposed, and then take position with him in the line which, as the result of their combined thinking, he has chosen. What makes him their leader is that he is the one who on the basis of common counsel, gives a lead which they voluntarily follow; not always gladly or cordially, but because they see that in him there is a superior judgment, sound on the whole, of what the party will choose. If he cannot meet

this test (of sensing in advance the party tendency) he falls by the way because they will not follow.

How confidence is tested. A Ministry holds office as long as it holds the confidence of the House of Commons. This confidence may be challenged at any time, and if it is gone the Ministry must resign and yield place to the group which under the new conditions can command a majority. There are several ways in which the want of confidence can be shown. The House may by majority vote refuse to pass a legislative measure on which the Cabinet has explicitly stated that it stakes its life, and has made the matter a "Cabinet question." Conversely (very rarely), if the House should insist on passing a measure on whose defeat the Cabinet explicitly stakes its life. A specific error in politics or administration may be the occasion of the Commons' declaring explicitly its condemnation of the policy and its withdrawal of confidence. Or such explicit declaration may be occasioned by no specific error, but merely come as the net result of an increasing feeling that has grown gradually out of events and circumstances disastrous to the Cabinet's prestige and acceptability in the House of Commons.

Resignation or dissolution. On the declaration of want of confidence, the premier has the option of resigning immediately or of defying this House of Commons by an appeal to their common master, the voting people. That is, it is within the power of a defeated premier to dissolve the House and require a new election. The previous election may have been so recent as the just previous year, as happened in the elections of 1922, 1923, and 1924. All hinges on the question whether the House that has challenged the existing Cabinet does really represent the people on the issue of the present day. If the new House is of the same political complexion as the preceding, i.e., still opposes them, the Cabinet resigns at once, otherwise the Cabinet regards itself as confirmed in office. As the five year term of a House of Commons approaches its end, the premier may choose his own time for a new election. He is not willing to be forced by the mere lapse of time to go to the country at a perhaps unfavorable occasion. Hence, he usually dissolves the House six or nine months (eleven in 1935) prior to the legal date, picking a mo-

ment when on the whole political circumstances seem less unfavorable than they may become during the next few months; for if he procrastinates the calendar will leave him no choice.

Leadership of nation. Notwithstanding appearances, then, it is in a very real sense true that in the making of the premier the House of Commons plays only a partial, highly controlled role. More substantially true is it to say that the voters choose the nation's premier by electing a House of Commons favorable to the leader of this party rather than that. They vote on issues and at a time that have been fixed by the premier, with a view to his own party's best chance of success.

CIVIL SERVICE

Wide scope. One feature of British government which is of extreme importance to our study is what is called the civil service. This body includes thousands, indeed hundreds of thousands, of persons who are employed in multifarious non-military governmental activities. The American must be warned at once that the name carries somewhat different suggestion in Britain and America. There is, it is true, the same idea of freedom or abstinence from politics and security of tenure; but in the British government these qualities obtain in a far more extensive area than with us, and reach far higher in dignity and influence. While the great bulk of America's "civil service" people are clerks, stenographers, and messengers, with relatively little influence upon government, holding the position of a quasi-menial service, the British "establishment" includes hundreds of high-salaried experts, who wield discretionary authority in matters of difficulty and importance, and who make a career, perhaps a distinguished career, leading ultimately to high honor and emolument, perhaps to the peerage.

Reform only recent. The American may be encouraged to learn that this advanced, elevated situation is not a matter of ancient British tradition but has been achieved in relatively recent time: the achievement may be imitated. A hundred years ago many parts of the British civil service were as corrupt and inefficient as our own at its worst. The spoils principle reigned. The reform development is a matter of the last two or three

generations, and it has taken place in the same period when the political practices of modern democracy were developing, mostly since the parliamentary Suffrage Reform Act of 1832. This modern reform of the executive services did not come spontaneously of itself. There were men of vision (e.g., Lord Macaulay) who were mainly instrumental in bringing it about. Curiously, it began at the bottom and worked up. That is, the most significant practices began to be devised at that point where the old spoils system was at its worst (the lily came out of the muck), viz., the government of India. It is a long, complicated story which cannot be told here, but the result is that from the special India Service school, at Haileybury, there spread practices and influences which have organically connected the whole civil service with the nation's highest educational institutions. Traditions have developed which are priceless. It is now taken as a matter of course that the best intellect of the nation, comprising the highest ranking graduates at the best universities, devotes and prepares itself for making a career in the civil service.

Youth required. Admission to administrative position is open only to the young. The rule may seem arbitrary, that one may not enter the service after the age of 24; but the reason is that government wants above all things flexibility in the material it will develop, and it wants men who have promise, who have not yet failed in something attempted. Furthermore, they are to be trained to their special service *in* the governmental office rather than previously and outside.

Examinations. The nature of the examinations before entrance is of great importance, and presents a striking contrast with what is familiar to Americans in this connection. To find men of the best intellectual promise, graduates of Oxford and Cambridge and other universities are examined in what they have been doing, rather than in what they are later to do. It may be Greek or mathematics, although the successful candidate will later go into work that makes no particular use of those disciplines. The idea is, find intellectual capacity of the highest quality and then the young writer of Greek poetry or solver of equations will feel the office developing his potential capacity in

the office's own tasks, though these tasks may be so remote from his previous interests as the administration of colonies, or the supervision of school teaching, or anything else in the immense variety of modern administration. Not achievement is sought when appointment is made, but potential capacity. This system eliminates the futile cramming of unfamiliar material for examination, for it becomes useless. More important, this arrangement prevents the young man's premature *fixing* of his judgment on the administrative problems with which he must later deal. Keeping his mind flexible on those matters, the system supposes he will deal with them more free-mindedly and adequately than would be possible if he entered the service with preconceived judgments, necessarily callow and of slight value because imbibed from a crammer rather than thought out in presence of the problem.

Training in the department. After admission on the basis of proved capacity and intellectual promise in his tasks as a student, the novice is assigned to a position as understudy to an already established expert. He learns by doing, and by experimentally exploring possibilities under the guidance of one who has experience and lives by its lessons, yet is aware of the possibilities for progress. The young Oxford graduate may spend a year or two at Whitehall (the section of London where the administrative offices are housed), and is likely to be sent hither and yon over the kingdom or empire, according to the exigencies of the service. Under the wise planning of a chief clerk he may be tried in a variety of tasks, to give him broad knowledge of the department's work. Upon proved success in small tasks, and after the passing of promotional examinations, he moves not only around in the department but ahead. He may be found to be most useful in some narrow specialty, and will work down into intricate detail, making a field of expertness for himself, that is as narrow as it is deep; or he may show broader capacity that entitles him to move out and up, to more exalted and comprehensive positions in the hierarchy. That is, he may grow gradually toward becoming a chief, first of a section, then of a division, in rare cases to become finally the working head of the department as a whole.

Expert—out of politics. All this time he is becoming more and more assured of his position as an accepted expert in some field, upon whose accurate knowledge and sound judgment the administration of government depends. He is out of politics, perhaps he despises vote-getting politicians. He is living in quite another world. He will never reach Parliament or the Ministry, where fame is to be had. His reward is partly in the satisfaction of rendering public service, partly in feeling the power that flows from knowledge and the wisdom of experience, in the realization that one is indispensable to the successful on-going of the public affairs. There are also pecuniary rewards to be won, an assurance of ultimate high salary and adequate retiring pension.

Permanent under-secretary. In Washington and in some state capitals, there are a few men who in their respective specialties have some of this quality; but in England it is universal among departments and well recognized. The occupant of the position regards it as a part of his official duty to efface himself, so far as the political world is concerned. For such a man's career the climax is the position of permanent under-secretary of the department. The permanent under-secretary is a man of 45 or 50 who has worked his way up from the bottom by proved capacity, by a spiral route to provide comprehensiveness of view, broad enough to include the work of the whole department. He has become the personal incarnation of the department's traditions. He alone adequately knows and can direct what the department can do; its limitations and boundaries also he knows, and its relations with other departments, whether there be overlapping or gaps. He has not arrived at this point by passive reliance upon seniority in the lapse of time. There are dozens of others who started with him twenty or more years ago. In a variety of ways he has shown himself preëminent in administrative capacity over them.

Relation of minister to under-secretary. We come now to one of the most delicate aspects of this civil service, the intimate relation of the permanent under-secretary with the head of the department. For it must never be forgotten: this man who knows the department through and through, who alone can say the words and appoint the men and direct the measures—can

never become the head of the department. The head is a minister, a man of parliamentary experience solely, whether lord or commoner. This minister has been appointed by the premier to the headship of this particular department for reasons that are political, not administrative. Perhaps he knows nothing of its administrative work.¹ He has perhaps been a minister in another area and is now promoted to this department because of its carrying more prestige for himself personally. He knows that his headship of this department is a matter of only a few months or years. His real career is elsewhere, viz., in Parliament, leading in rare cases to the premiership.

Function of official. The relation of the permanent under-secretary and the minister is that of hand in glove. The permanent under-secretary alone knows and can do what the department knows and can do. Through him filter all the elements of the department's life to the minister's mind. The latter alone must responsibly decide what the department shall do. But as a matter of plain fact the vast bulk of that decision is mere unconscious or passive assent to what the permanent under-secretary presents. The minister would be helpless without that intimate experienced knowledge—both the information and capacity to act departmentally—possessed by the permanent under-secretary. On the other hand, the glove is equally necessary to the hand, in dealing with the rough difficult outside world of Parliament and politics. The permanent under-secretary may know much of that world but he must not deal with the world. He must be and is equally ready to deal with and serve a Conservative or a Labour minister. Though he retains his right to vote, he is out of politics. Yet in the English democracy politics must control all, must direct the knowledge and special capacity which the permanent under-secretary monopolizes in himself and his staff. The minister alone has access for the department to the chancellor of the exchequer as the source of the money which the department needs to carry on its daily life. The minister alone has access to the premier and Cabinet for obtaining the parlia-

¹ There are important exceptions; a man could hardly be appointed to be chancellor of exchequer who was unfamiliar with financial problems. The secretary of state for foreign affairs will surely be a parliamentarian who has concerned himself intimately with foreign affairs.

mentary legislation which is frequently if not constantly needed, to equip the department with the legal powers which it requires, and which are constantly developing and changing form in a dynamic world. The department's work is more or less often faced with parliamentary criticism or at least question, and it is the minister alone who can meet that criticism and defend the department on the floor of Parliament.

Function of minister. In the relation between these two men, the intelligence is not all on one side. The glove metaphor must not be pushed too far. The minister must be a person of agile mind, able quickly to assimilate for present purposes, say of purely party debate, this knowledge accumulated by the permanent under-secretary as a non-party expert; but also, to be worth his salt as a minister, he must be expert, or at least under the permanent under-secretary's tuition must quickly become expert, on any critical point at which Parliament is interested in his department. He must furthermore have an expertness in estimating statesmanship, not narrowly and in detail, but broadly, in order to see his department's operations in their relation to governmental affairs as a whole. He must have a wide vision of perspective, an appreciation of relative values in the parliamentary world. He is expert in general policy, as his department's work fits into general policy. Broadly speaking, the permanent under-secretary is dumb and paralytic in the political and parliamentary world where the minister is at home, as the minister is dumb and paralytic in the administrative world of the department where the permanent under-secretary is at home. The relation of mutual understanding and coöperation is equally necessary to both. Each makes his career successful by depending absolutely upon the other. The permanent under-secretary who should try to play politics, even in the best sense of the word, would be instantly disqualified and perhaps dismissed. The minister who should try to run his department over the head of the permanent under-secretary is equally disqualified for that task and will find himself acquiring a bad parliamentary name as a minister who is constantly in hot water and therefore ineffective with his staff. If he suffers, so also do his premier and his party, and he spoils himself as a minister.

Minister is master. Sometimes general policy requires a change of departmental practice. The minister may propose an innovation. The permanent under-secretary with his unrivaled knowledge can confront the minister with the bureaucrat's arguments to the contrary: "My Lord, that just isn't done. It was tried once and failed. These are the reasons why it won't work." The minister, relying upon Cabinet and party backing, insists on the innovation. The permanent under-secretary has done his duty in remonstrating against change; now he does his duty by making his best effort to use the department powers and mechanisms in a new way, to put the new idea into effect. It is a courageous minister who treads this dangerous path of departing from custom and opposing and overruling his permanent under-secretary. But if the idea is good and improvement results, the minister gets the praise. If it fails, it is the minister who gets the blame. At all events the minister bears the responsibility and is master.

Tendency toward bureaucratic control. There is a seamy side of this fabric. Not all ministers are thoroughly alert of mind. Some are lazy; all are preoccupied. Not all permanent under-secretaries are those paragons of self-abnegation that have just been described. Far more important—the development of public affairs has been so vast and so rapid in the most recent decades that a system which was workable in the days of Peel and Gladstone is at some points almost unworkable today. Democracy in suffrage has brought self-advertising loquacious vote-getters into the Commons and sometimes even into the Ministry. The number of questions asked in Parliament, the scope of administrative decisions that must be made, have grown to super-human proportions. No one man can master the multifarious affairs that modern departments must deal with, save in the broadest, most superficial fashion. The ideal permanent under-secretary of today is a superman, and such giants are rare. The minister is even worse off. There is a steady tendency for him to become more and more helpless, the creature of his subordinates, who work out the answers to parliamentary questions to which he must respond with a false show of omniscience, and

who make in his name the multitudinous administrative decisions which are the work of his department. Modern law-makers, seeking to cope with social and mechanical developments, must leave details to be filled in by administrative decrees, in the form of Orders in Council. More and more these are made, and frequently changed, by department officers, with hardly a possibility that they can be surveyed and checked, even by the permanent under-secretary. Infinitely less by the minister, who must sign his name to documents in thousands, as compared to the scores digested and emitted by a titanic Gladstone of fifty years ago. The bureaucrat, Jack-in-Office, the man who is and must be endowed with authority, is no longer (save accidentally) kept in control by parliamentary question and the responsibility of the minister. He tends to irresponsible despotism, subject only to a vague democratic control that becomes more and more indirect and remote. The expert, the man of the narrow niche, should be "always on tap, never on top." But what is to be done about it if government, its tasks and opportunities, have grown beyond all human comprehension?

THE HOUSE OF COMMONS

In describing the House of Commons we enter the constitutional Holy of Holies. It was not always so. For centuries, when one referred to Parliament one had only in mind the magnates of the realm, the learned bishops and the wealthy landed lords. Only within the last two centuries the magnates have withdrawn into the shadow. They still exercise a considerable influence, but when one speaks of Parliament in the twentieth century one is mainly referring to the House of Commons, which is under a control that is usually called democratic, exercised fitfully by the many millions of voters.

Dominance only recent. The name Commons referred probably in its origin to Communities (*Comunitates*); that is to say, the counties or shires, which had once been kingdoms by themselves, and in addition the boroughs (walled towns), which began to be designated one by one as fit to be heard in the talking-body of the realm. The word Commons now rather suggests the common people, as contrasted with nobility, clergy, and royalty.

There is also undoubtedly the suggestion that their opinion is that which is "common" to all Englishmen.

Suffrage before 1832. The question as to who may vote for the House of Commons has been during the nineteenth and twentieth centuries the principal point of what was called "reform" *par excellence*. A beginning was made in the Act of 1832, when Parliament, after long hesitation in the people's mind and even a close approach to bloodshed, finally dared to touch the ark of the covenant. For four hundred years a sufficient definition of suffrage had been the "forty shilling freeholders." Those only might vote who *owned* land that was worth forty shillings a year net. The sum forty shillings had been set in the fifteenth century, and the decline in the value of money had gradually turned this once considerable sum into an apparently slight, ridiculously slight property qualification. But if the sum was small, the requirement of ownership bulked enormously, more and more restrictively. In so closely congested a population as England's, ownership of land in the strict legal sense tends to fall into very few hands. If those only who *owned* land could vote then even though the amount were only forty shillings a year, the net result was a highly aristocratic suffrage. There was also, it is true, the borough suffrage, that is, the right to vote in the presumably urban areas designated as boroughs, which was not uniform, but varied with the constitution of the borough. In some boroughs, for instance Westminster, the right to vote was so widely shared as to constitute a fair testing of the will of the community. In many other boroughs, however, the right to vote was allotted according to some principle which may have had reason in it in the Middle Ages, but by the nineteenth century had become capricious and sometimes ridiculous in its effect. Furthermore, the industrial revolution had brought about an immense current of internal migration, the crowding of some areas, the depopulation of others. Two members of Parliament might be elected by a constituency which now comprised no more than the half-dozen or so tenants of one landlord. They were subject to his direction as to their voting, were liable otherwise to eviction. The constituency and its two members were

absolutely in his pocket, to be used by himself, or sold or leased if he so preferred.

Reform of 1832. Such a situation cried to heaven for reform. The Act of 1832 dealt drastically with the "rotten" or "pocket" boroughs just alluded to. In some instances they were disfranchised altogether, in others a constituency was reduced from two members to one. Some boroughs of large aggregate population which had grown up in recent decades and which had not hitherto been provided with any representation at all, now had their need satisfied; they were granted two members to be elected by a reasonably defined suffrage.

Occupancy franchise. Another far-reaching innovation of 1832 was the definition of a new type of qualification for voting. To ownership was added "occupancy." *Occupancy* meant the economic control of a piece of land by one who was not its owner; such as that of the lessee of land, whether for industrial, agricultural, or residential purposes. If the lease were for many years, that is, approaching such an interest in the land as ownership gives, the net annual value of the qualifying piece of property need not be large, say ten pounds. If the lease were short the net annual value must be greater, say fifty pounds. This principle having once been introduced was capable of further expansion in subsequent Reform Acts, which followed in 1867 and 1884. This expansion was by the simple process of reducing the amount of land value of the lease required for the suffrage, a process which obviously introduced new tens or hundreds of thousands to the right to vote.

Household franchise. A third qualification for voting was introduced in the Act of 1867. This great act was passed under Disraeli's Tory party sponsorship, by way of exception to the general rule that it was only Whigs or Liberals who were interested in "reform." In the figure of speech current at that time, Disraeli found the Whigs out bathing and stole their clothes. A great new principle, however, was introduced by Disraeli, known as *household* suffrage. If a man were head of a family, the presumption was now newly set up that he also had a "stake" in the country, i.e., was interested and therefore trustworthy regarding its welfare, somewhat as if he were an

owner or "occupier" of land. Accordingly, in the boroughs, where the industrial or factory portion of the population was found, householders were granted the right to vote, without any regard to the value of the land occupied by the household. This introduced at one stroke hundreds of thousands of men who were mere factory laborers, but who because of their industrial activity and newly recognized social needs were supposed to be concerned with politics, and who by reason of their being heads of families were regarded as concerned with the defense of long-run social values. The principle of the Act of 1867, after successful operation during a half generation, was extended in 1884 by the Liberal party to the county constituencies as well. That is, while the Act of 1867 had introduced factory workers, the Act of 1884 admitted agricultural laborers and miners to the voting body, all of whom were qualified by their headship of a family, quite irrespective of the value of the cottage or mean lodging which was occupied by the household.

Personal franchise. All voting hitherto had been qualified by property, whether owned (prior to 1832), "occupied," or held as household. The two subsequent Reform Acts of 1918 and 1928 made a wide departure from this characteristic English principle. The twentieth century reforms made voters out of *persons* as such. The Act of 1918, for counties and boroughs alike, gave the vote to men without regard to any of these previous principles, if only they were British subjects (citizens), and had six months residence. The Act of 1918 also had regard to the long development of opinion in behalf of woman suffrage, and to the fact that women, especially in munitions manufacture, had rendered priceless service to the nation's war effort. Women were enfranchised on much the same terms as men, but with an important qualification. They must have reached the age of thirty, rather than twenty-one. This discrimination was due to the obvious consideration that many hundreds of thousands of men had been killed in war or were still away in the armies; it was thought that the number of inexperienced voters (women) ought not to exceed the number of the experienced. After the lapse of ten years for readjustment, by the parliamentary grant of the "flap-

per vote" (1928) women were placed on practically the same voting basis as men.

Plural vote. The problem of the "plural vote," as it is called, arises from the survival of the ancient property qualification and from the fact that the successive reforms were overlaid the one upon the other, never systematized. The owner of many properties or the occupier of many leases might still vote in each constituency in which he was owner or occupier. As long as elections were held on different days in different constituencies over a period of two weeks, such multiple owner or occupier might by means of the railroad and especially the motor car exercise his suffrage in many places. This was a great advantage to the Conservative party to which the wealthy and land-holding class mainly belonged, and obviously was an offense to the modern widespread equalitarian demand of "one man one vote." By the most recent reforms this situation has been considerably improved. All elections are held on one day, and one may now vote plurally only in two constituencies, one that of residence, and one other with respect to economic control. That is, the business man may vote at home, say in the suburb where he lives, and also in town where he owns or occupies an office or factory.

University franchise. From ancient times university constituencies also have been instances of the grant of right of representation to certain institutions which as such are supposed to be "communities" that are fit to be recognized as having a voice of their own in public affairs. There are at present 15 members of the House of Commons who are elected as members for Oxford, Cambridge, Aberdeen, etc., the voting being done at the university, by university graduates. This might seem to make possible a person's voting three times (residence, economic occupancy, and university), but the law restricts anyone's vote to two, which may be chosen among the three qualifications. This principle of special qualification is not universally and systematically applied. The principle of "one man one vote" may in the future lead to its elimination. On the other hand, there is a possibility that there may be a still larger application of the modern idea to which the university franchise opens the

door, that votes should be given not to property, nor to persons, as such, but to social interests that are deemed of special value.

Two-member and one-member constituencies. "Reform" in the nineteenth century was a term applied to the development of suffrage, the determination of who may vote. The twentieth century has seen a large use of the word reform as applied to another problem; namely, how representation shall be distributed. For four hundred years it had been taken for granted that every constituency should be represented by two members. The counties as constituencies, which were in many instances a survival from an England not yet consolidated into one realm (a county of Kent corresponding to the ancient kingdom of Kent), were predominantly rural. The boroughs on the other hand, at least as reformed in the nineteenth century, were urban communities, not systematically or evenly distributed, but wherever they might chance to be found, scattered unevenly over the areas of counties. The reform of 1884 began the process of realizing a new ideal known as "one vote one value." The idea was that whether a man lived in country or city, large or small, his vote ought to count on a basis of relative equality with that of all other men. Roughly speaking, this idea has now been achieved, though there still survive instances of gross inequality, due to local migration, without periodical redrawing of boundaries to make correction. By the parliamentary act of 1885, constituencies comprise bodies of population which average 75,000 souls, and they do not vary much above or below that figure. The old names of counties and boroughs are retained but the constituencies are now "divisions" of counties and of boroughs, such as the seventh division of Lancashire or the fifth division of the city of Liverpool. While there are still some slight remnants from former times of constituencies with two members, as was formerly usual, practically all persons now vote in single-member constituencies, the system familiar in the election to the American House of Representatives. This system has its familiar results. There is no constituency of agriculturists nor any of railway men or of steel workers, nor of any other specific type of social grouping. Every constituency is, more or less, a miniature of the whole realm. Social and economic classes, voting

together for a representative, conclude by choosing generally a man who is the spokesman of no one class. Special classes must affect parliamentary action indirectly through the lobby or press, rather than directly through their special class representatives.

Resulting inequity to minorities. On the other hand there is the disadvantage that considerable bodies of voters, by reason of their being minorities, go unrepresented and that the total result, reckoned in terms of parties, may be very far from a true picture of the voting body. Suppose, for example, that there are 55% of one party and 45% of another party, uniformly distributed throughout ten constituencies; the result will be ten representatives of the first party and none for the second, whereas proportional fairness would dictate that the ten members be apportioned, six to one party, four to the other, say in one large constituency, substituted for the ten small ones. Furthermore, in one constituency the Conservatives, with 35% of the vote, may get 100% of the representation, as against the Labour 33% and the Liberal 32%, which get no representation. In another constituency the situation may be just the other way. But the total result suggests the caprice of chance. For example, in 1929 the Conservatives with $8\frac{2}{3}$ million votes won 260 seats, the Labour party with $8\frac{2}{3}$ million votes won 288 seats. But the Liberals with $5\frac{1}{2}$ million votes won only 59 seats. That is to say, the chance of vote distribution made the Liberals spend 90,000 votes to elect each of its members, contrasted with the Conservatives' 33,000, and the thrifty Labour party's 29,000.

Proportional representation proposal. Because of the various party composition of the constituencies the unfairness is somewhat, but only in haphazard fashion and degree, canceled out. Furthermore, a very slight shift of votes, for instance a change of party mind by two hundred persons in a close constituency, as the result of newspaper stunts or last-minute radio proclamations, may completely upset the situation and make extraordinary, but still haphazard, changes in the incidence of unfairness. It is safe to say that the net result of the present system is that 50% or more of the voting population always finds itself not so much unrepresented—but rather precisely misrepresented.

In a period such as this, strongly dominated by the party idea, parties that are in a fair way to win many pluralities, that is, to win in many constituencies the largest vote, though it is not a majority, defend the present system as desirable, because it gives them all the representation they can hope for—and often far more than their proportionate share. But there is a corresponding desire on the part of parties that are generally in the minority that the system be in some way altered, so as to give these minority parties a more true and proportional share of representation. Formerly the Labour party was in this situation, but now it tends rather to hope that in many constituencies it can consolidate its position and elect more than its proportional share of representatives. The Conservatives likewise manifest no interest in the suggested reform. The Liberals on the other hand have for ten years seen their representation cut down by the single-member district system, far below their proportionate share as reckoned by the votes cast. Not only the Liberals as a party, but other important intellectuals, especially in the House of Lords, have made strong campaign in recent years, including experimental mock elections conducted by great newspapers, to familiarize public opinion with the anomalies of the present situation and the possibilities of reform.

Among the various systems of proportional representation proposed for correcting these anomalies little attention has been paid in England to the "list" systems that are widely in use on the European continent. Emphasis has rather been placed on the Alternative Vote (actually passed by the House of Commons in 1931 and rejected by the Lords) or on the Single Transferable Vote as operated in some Australian state experience and a growing number of American cities. The latter had been advocated by Thomas Hare in 1855, and was strongly supported by the social philosopher John Stuart Mill. Whatever the future may hold by way of reform, the matter must be left with the remark that the English House of Commons, like the French Chamber of Deputies and the American House of Representatives, continues to enjoy (or suffer) the unfairness of the familiar single-member district system.

Nomination. English elections are conducted with absolutely no trace of the institution which America has so widely accepted under the name of the "primary." The reason may be the oligarchic power of the party managers, or it may be the special emphasis on personal leadership; in any case the determination of candidacy is not by an election within the party. Nomination is extremely easy to get. An aspirant files his name with ten supporting signatures; thereby he has become a formal candidate for election. But in practically all cases the selection is made by consultation between the local party committee and the party managers at London, who are ready with advice and it may be with party money to support the candidacy of the accepted candidate; without such "official" party endorsement candidacy is practically useless. In law the nomination may practically be had for the asking, but in practice no one asks for it except on authorization of the party managers. What Americans would call insurgent or purely personal candidacies are dealt with by the nomination deposit. This is the legal requirement that every nominee shall deposit with the election officer one hundred and fifty pounds. This is not a tax upon candidacy, because if a nominee wins even so few as one-eighth of the votes cast, his deposit is returned to him. It is only an ingenious device to eliminate frivolous candidacies which on grounds of personal ambition alone might divide and thus dissipate party strength. If a private individual wants to spend his money for the entertaining experience of running vainly for election, he may do so. In actual experience such candidacies are extremely few.

Unopposed candidacies. The strong tendency is rather for an even smaller number of candidates to present themselves than the number of active parties would suggest. A party which sees its case hopeless in a particular constituency will probably refrain from presenting any candidate there at all. Two parties may make local arrangement to give support in common to the candidate of one party in order to exclude the party which both of them are most desirous of defeating. Not infrequently one party is so obviously sure to win in a certain constituency under present circumstances that this party's filing of nomination

papers is the only election process. Its candidate is declared elected "unopposed," the other parties preferring not to have their weakness exposed. This is especially true of the "safe constituencies," of which each party has (traditionally, but far less today) a considerable number. In such cases, by reason of the special local situation (e.g., the overwhelming strength of Labour in Glasgow, of Liberalism in some parts of industrial middle England, of Conservatism in the agricultural South), there is no use contesting the sitting member's right to his seat. The potential strength of the minority party in those constituencies will rarely be known unless some party novice wishes to earn his spurs by making a series of hopeless contests. By this experience he learns the electoral campaign technique and wins the right from the national managers to be given later a fair chance, in a constituency where there is a real contest. A considerable number of candidates are elected "on the party leader's coupon"; they present themselves frankly as his followers. As Baldwin or Lloyd George men they make their campaign, supported by the party war-chest, with the definite expectation that in Parliament, as his electors, they will vote under his direction.

Legal control of election practices. Elections are conducted in an atmosphere which is to a high degree heated and exciting, the actual campaign lasting only three weeks; but the results are not tampered with. There is no force or fraud. Bribery and intimidation are punishable by common law. In addition, an Act of 1883 initiated a series of limitations on election practice which go beyond the common law. Their general purpose is to diminish the power of mere money and to eliminate its use in methods of dubious propriety, dignity or purity. The wealthy may not, for example, hire vast hordes of election assistants or flood the constituency with "literature." The total amount of money which may be spent in behalf of a candidate is precisely limited; this is the number of voters multiplied by six pence in the rural constituencies, multiplied by five pence in the boroughs. The candidate's hiring (but not borrowing!) of conveyances in which friendly voters may be brought to the polling place is prohibited. Furthermore, an election agent must be appointed in the candidate's behalf, who must account for

every penny spent. These accounts are rigidly supervised and if there be any breach of law in the candidate's behalf he has lost the election. All contests or allegations of irregularity are tried by members of the judiciary, scrupulously removed from party influence, and this purity is both preserved actually by law and consecrated in sacred tradition.

Bye elections. In addition to the so-called "general" election, which takes place upon a dissolution at a time chosen by the prime minister, and which constitutes a solemn appeal from the present House of Commons through the electorate's decision to a new House of Commons, there are the so-called "bye" elections. If a member dies or by inheritance is transferred to the House of Lords, or merely withdraws from public life,¹ this individual vacancy is filled by special election. All the usual formal requirements are observed, but there is also the possibility, frequently realized, that this contest will be not only of local but of actual national interest. The occasion is used for testing the trend of public opinion between general elections. Party leaders may come down from London to the constituency and make speeches, the press of the nation will call attention to the test now in the making, party loyalty will be drummed up, the votes cast will be excitedly compared with the votes cast by the respective parties on former occasions. The party in power, if it finds its strength waning in a continuous series of bye elections, may see the need of altering its political course.

Salary for members of Commons. For five hundred years the members of the House of Commons received no salary. Service in the House was regarded as a public duty which one owed like taxes. With the growth of democracy, however, it gradually came to light that this non-payment actually meant a limitation of the membership to men financially independent or to men who would be supported during their parliamentary

¹ As a matter of curious survival of ancient practice, no "resignation" of a seat in the Commons is allowed. But the same result is easily achieved by a subterfuge. One applies for and is appointed to a famous but insignificant office, the "Stewardship of the Chiltern Hundreds." This acceptance of an office under the Crown automatically vacates the member's seat. One then resigns the Stewardship, and is definitely out of office as well as out of the House.

service by the wealthy. True, many a great servant of the nation (e.g., Pitt, Disraeli, Burke) had in the past been introduced while very young and poor by a patron, and had later risen, especially as the result of the early introduction, to a position of valued service and even national leadership. But the unfairness became especially manifest when in the early twentieth century Labour desired to send, not men of the politician class, but its own genuine spokesmen, who obviously could not serve at Westminster if that meant deprivation of their ordinary wages. It became the practice of labor unions to tax themselves in order to provide funds for the support of Labour's members in Westminster. But in 1909 the highest court declared this practice illegal, in the Osborne judgment, on a suit brought by a trade-union member who was not of the same political faith as most of his fellows. In order to remedy the situation, and as one feature of the legislation that resulted from the House of Lords crisis, an act was passed in 1912 granting a salary out of the public funds, amounting to 400 pounds. This payment is theoretically a mere defraying of expense for service rendered to the nation. It does provide for the bare living of men who are temporarily removed from their ordinary sources of income. But it is too small a sum to be grasped after; no ordinary man expects to make a career out of a two thousand dollar salary. It does not create a class of professional politicians.

Space of House small. Coming into the House itself, the new member is at once impressed with two features of its very architecture. The room is lofty but small, with a seating capacity far less than the membership of the House requires. There are no desks, only benches, and seats are not definitely allotted. Evidently many of its members are expected not to spend much time within its walls, certainly not to sit there and study to make the nation's laws. Government is rather to be carried on by His Majesty's ministers who sit on the front bench at the speaker's right, while their conduct is criticized by His Majesty's Loyal Opposition, who are a few ex-ministers and would-be ministers, sitting on the front bench at the speaker's left. A considerable number sit on the back benches on both sides, and a few have hobbies to ride or ambitions to serve, which make them

regular in attendance. But a large proportion of the rank and file members think their parliamentary duty is done if they only come when they are sent for and vote the right way, by marching in and out of the "division lobbies" as their party whips direct them.

House divided into two parts. Another architectural feature of vast constitutional significance is the division of the House into two parts by the great table in front of the speaker. Here is evidently another game, in one respect like all those to which the English are accustomed. By the very nature of the game there can be but two sides, the Ins and the Outs. There is the premier with the rest of his ministerial team, the leading members, we will suppose, of the Conservative party. Behind him on the ministerial benches are his supporters, whose main business is to cheer and vote for him and his measures. He and they desire to score runs, as it were, by successfully administering government and enacting into law some at least of the promises made at election time on the stump. Against this party of the Ins, facing them in obvious political hostility, everyone who is not of that persuasion belongs normally to just *one* special group, namely, the Outs. These Outs (e.g., against the Conservatives) may be as wide apart as are laissez-faire Liberals and collectivistic Socialists. Yet by the architecture of the House they are forced to the speaker's left, all of them, to signify that they are politically at one in their desire to turn out the party in power, however much confusion may result if they are successful in their contradictory efforts to exploit that situation. This two-ness must never be neglected in a study of the normal English situation. It belongs with the two-sidedness of all English games. It suggests the difficulties that arise to plague European imitators of the English system, when one attempts to apply this essentially two-sided play of forces in a situation where parties are not two, but are in most European countries more likely to be twelve, or even twenty or more. The same difficulty has been felt in England herself during recent years, when the Labour party rose to challenge both the Conservative and Liberal parties, and to compel adjustment of the system

to the presence of three parties, all of which claim to be permanent. More of this problem in a later section.

The speaker. One most remarkable feature of the House of Commons has already been mentioned, the speaker. His position is defined, not only by law, but by potent tradition. The name of the office is derived from the fact that in ancient time he alone might speak to the king to express the will of the faithful Commons. In modern days his principal task is to enable that House to make up and speak its own mind, as a whole. As a matter of fact he speaks very little. His prestige is above question. He presides with dignity and impartiality, recognizing members who may speak, preserving order. When the speakership is vacant, by reason of death or other cause, it is the premier who suggests a name, and since the premier is the leader of the majority of the House that suggestion is adopted. The man thus elected may have been a politician, indeed on one recent occasion so extreme a partisan politician as the party whip. But once elevated to the speaker's throne, the man puts off partisanship absolutely and, as it were, dons the ermine. From now on he is practically a judge, whose impartial word it is almost treason to suspect. He is out of politics for life. When a dissolution for general election makes all members of the House private citizens, at the disposal of their constituents, returnable to the House or to private life, the former speaker is sure of an unopposed election. His constituency is deprived (substantially, not legally) of participation in the nation's decision, since it cannot vote for either party; but it is willing to be so deprived, for it is the pride of this constituency that its member is the incarnation of the House. He will be continually reelected as long as he is physically able and personally willing to endure the laborious task of presiding. When his time is done, he is sure of a princely pension and of a peerage. Meanwhile he has been living at the nation's expense on a lordly scale in the "speaker's house," universally regarded as one of the most conspicuous and revered magnates of the realm.

Speaker's impartial control. His chief function, as has been said, is to preserve order in the House, and to make rulings on disputed points of order. This last function, however, makes

no serious drain upon his powers; for most rules of order have been settled by generations or centuries of precedent, on which he is kept informed by a competent and learned clerk. What does require effort is the guidance of debate in seemly manners, and the preservation of impartiality between the Ins and the Outs. If a member is out of order the speaker corrects him, disciplines him, may even "name" him (a horrible disgrace, to be referred to otherwise than as "the honorable member for so-and-so"), and go so far as to exclude him from the privileges of the House. In the preservation of impartiality the speaker must remember that he is speaker of the whole House, whose two parts have two diverse duties. This is a *Parliament*. Its function is discussion. The teams come in and go out of power according to debate points scored for the judgment of the voters at general election. The nation expects daily to read in the morning paper the gist of what has been said the night before on the floor of the House, and *Hansard* (corresponding, though rhetorically far superior, to our *Congressional Record*) preserves that eloquence or rapid fire chat for future generations. Incidentally the record preserves the indication of "Hear, hear," or "ironical cheers," but only of what actually takes place in the House: there is no "leave to print," or "extension of remarks," as at Washington. How extreme expressions a member may use in debate depends upon the speaker's discretion. He must preserve for the Outs full freedom for the performance of their duty to oppose. Let them say what there is to be said, that the country may know the seamy side of the government's proposals. The speaker is their tireless defender in performance of this function. The Ministry and the majority would like to vote without debate, in order to save the precious time of the House to achieve their program. The speaker will not let them vote until the Opposition has had its complete say. But there is also the function of the Ins to consider. They must have their opportunity to vote and act, as the Outs have had their opportunity to oppose. The speaker alone decides when debate has become mere obstruction, and the time has come to vote.

Closure. Closure is a name for the mechanism which has been developed within the last fifty years for dealing with obstructive

debate. In the 1880's the House very reluctantly found the construction of this mechanism necessary, in order to enable indispensable business to be done, at a period when the Irish Home Rulers under Parnell's lead developed their plan to wring autonomy from an unwilling Parliament. For the Home Rulers were resolved, if thwarted, to sabotage the parliamentary machine. They carried their speech-making beyond the limits of debate, and became mere time-wasting filibusters. On the suggestion of the prime minister, but under the impartial control of the speaker, new rules were adopted, which put this obstruction under control. When the debate has progressed to a point with which the speaker is satisfied, as meeting the listening country's sense of what is fair, he allows a majority of the House to close the debate, to let the guillotine fall and ruthlessly cut off its head. Others are always ready to imitate Parnell's Irishmen, and now and again an ordinary Opposition, in its partisan extremes, must be silenced in this fashion to enable the House to do business. Closure "by compartments" was later devised to enable a bill to be divided into groups of clauses, each of which parts might have some debate before the guillotine fell; lest the debate time be all expended on the first few clauses, and the bulk of the bill pass into law undebated. A still more modern improvement is the "kangaroo." By this type of closure the speaker selects debatable points in the bill wherever they may be found and enables the House to leap (kangaroo fashion) from point to point, and adopt the bill only after debating what really, according to his impartial judgment, needs to be debated.

The Commons has also developed a system of "time-table," similar to the Washington House practice of passing a special "rule." So many days may be allotted in advance to the discussion of such and such parts of the bill; according to the agreed time-table the guillotine falls.

"Questions." To the onlooker, and probably to the members as well, the most entertaining activity of the House is that connected with the parliamentary "question." For the first three-quarters of an hour of the session, four days in the week, ordinary members have the privilege of asking ministers questions

regarding the administration. They may frequently be motivated by the desire, not to be informed, but to annoy. The questioner seems to ask for information, really he is only showing up a mistake or failure, with the purpose of embarrassing the administration and thereby weakening in public opinion the position of the ministry. These questions are of the widest imaginable variety. Many of them doubtless are put for the sole purpose of advertising the questioner in the presence of his constituents. They cost in the aggregate an enormous amount of time, spent by a department's clerks and experts in order to provide the minister with information, which he displays with the appearance of omniscience. Much of this is of trifling importance and, from the point of view of statesmanship, constitutes mere waste of time and effort. Nevertheless the practice is cherished as a privilege of the Opposition and the ordinary member, and it has a further constitutional importance which is not slight. Every minister, during all the days of the year, when he is making decisions or ratifying his subordinates' decisions in the departmental administrative activity, must make those decisions with two things in mind: (1) What is wise from the point of view of administration? (2) How will this matter look when some ingenious questioner in the future may ferret the matter out and compel its exposure with pitiless publicity by a question on the floor of the Commons? Expertness of administration is thus qualified, perhaps diluted, by the principle of satisfactoriness to the Commons.

"Question" contrasted with *interpellation*. The question system, however, must be carefully distinguished from the *interpellation* of the French Chamber of Deputies. After the question has been answered, and perhaps a supplementary question as well, no debate of the matter is allowed. The speaker sees to that. Nor does the House come to a vote on this perhaps equivocal matter, a vote which almost certainly would put the individual members in an embarrassing dilemma, between their discontent upon an item of administration on the one hand, and on the other, their desire on the whole to maintain this administration in office. Accidents will happen; the most satisfactory administration cannot avoid them. But the House prefers not

to unseat the ministries for day-to-day errors, but only after due consideration on the whole. Often it knows that the same misfortune would certainly have occurred if the Opposition had been in office. Indeed the House once elected now always tends faithfully to maintain in office the premier under whose leadership its majority was elected. An administration is almost never unseated today by parliamentary vote, but only by the voters at the polls in a general election.

Debate declining. One final remark regarding debate may be in order. While such generalizations are easy to make and almost impossible to substantiate, it seems to be widely agreed that debate in the House is declining in value. The democratic suffrage has brought many members into the House who have little to contribute to the process of social thinking, but much desire to advertise themselves to their voters in order to win reelection. They must be allowed to make their useless speeches, to empty benches; but they do not affect the opinions of other members who are equally impatient to speak. Free from the perils of snap votes such as are frequent after interpellation in France, votes are determined by the whips under the direction of the respective party leaders, always planning for the next general election. There are few "free" votes in which one can express one's own opinion without the whips' dictation. More and more it is true that while the Commons control the Cabinet by voting confidence to them after a general election, the Cabinet controls the Commons, by whip direction from day to day until the next general election.

Voting. Voting in the Commons is by the time-consuming process of marching out into two lobbies (Aye and No), and then marching back like sheep through two narrow passages where they may be counted and recorded. On most occasions of importance to party politics the tellers are the whips.

The whip. The whip is a reminder of the ancient English sport of fox-hunting. The master of the hounds keeps watch over his pack, to see that they vote as they are told. Most of them look to him for direction. His directions vary (two-line, three-line, four-line) in urgency. A "four-line whip" (a warning underlined four times) means that if the member does not vote

as directed he is committing treason against the party, which will be remembered against him in the future. In the next general election the party will hold him a renegade and may exclude him from the possibility of returning. This whip system, taken together with the division lobbies, again illustrates and emphasizes the principles of leadership and of compulsion upon members to be either emphatically for or emphatically against. Abstinence is frowned upon. Neutrality is made practically impossible.

THE HOUSE OF LORDS

Noblesse oblige. The House of Commons has been dealt with first because of its present-day predominance. But it must be remembered that during four or more centuries when one spoke of the English Parliament, reference was made principally to the nobility, spiritual and lay, in the House of Lords. *Noblesse oblige* has always been a guiding principle, and to this day one can hardly overestimate its importance in the development of constitutional government in England. There always have been men who regard it as a part of their nobility that they pay for their lofty and privileged position by public service. Government was the duty of the wealthy and wise. It was the high quality and active participation of a governing class that made the parliamentary organism operate with success.

Clergy, nobility, wealth. In the Middle Ages wisdom, or at least learning, was supposed to be almost a monopoly of the clergy. Bishops and abbots with their industrious, ubiquitous clerics gave intelligence to administration. Wealth was naturally a monopoly of the landlord class in feudal times. Landed wealth to this day is regarded as almost a necessary attribute of members of the peerage, but it goes without saying that since the industrial revolution other types of wealth, from industry and banking, have taken their place by the side of land. The old tradition survives in that the man of wealth who is raised to the peerage thinks it only decent to provide himself with "broad acres" as a symbol of his nobility. The clergy no longer monopolize learning. The abbots were entirely removed by Henry VIII's confiscating reforms. The bishops (most of them) remain in the House but ordinarily take little part. The rise

of democracy as an ideal in the nineteenth century has signified a gradual diminution in the influence of the peerage and there is no question of the dominance at present of the Commons; but one must not leave out of account the still surviving influence of the House of Lords. This especially needs to be said since so many erroneously suppose that the Act of 1911 strikingly and definitely eliminated it from its place among the weighty elements of the constitution.

Peerages. The House of Lords is composed of all Peers of the Realm. Some few peerages come down from ancient time, and are even coeval with the kingship. But the great bulk are peers of Great Britain or of the United Kingdom; that is to say, these peerages have been created since the acts of Union with Scotland in 1707 and with Ireland in 1800. In addition to these peerages "of the Realm," special arrangements were made by which sixteen were elected by the whole Scottish peerage, and sent to Westminster for the term of a single Parliament, twenty-eight were elected by the whole body of Irish peers, to remain during life and be replaced one by one. The Scottish representative peerage remains, but with the creation of the Irish Free State (1921) there ceased to be provision for selecting Irish representative peers.

Law Lords and Bishops. From time to time noble families die out, but on the other hand a half dozen or more new peerages are created every year; there are now some seven hundred. The Law Lords are seven eminent lawyers, appointed for the purpose of enabling the House to act as the supreme court of appeal. These men sit for life, but their membership is not inherited. So also of the so-called spiritual peers, who are the two archbishops, of Canterbury and of York, and the twenty-four senior bishops of the Church of England. The lay peers are all hereditary and are of five grades: dukes, marquesses, earls, viscounts, barons, the great majority being of the last and lowest category. All save dukes are addressed as "my Lord." The peerage excludes the so-called "gentry," consisting of baronets (hereditary) and knights (non-hereditary), both of which categories are honorary, addressed by "Sir" with the Christian name, but not "noble." The Crown as the "fountain of honor"

may create peerages without limit of number and also may promote from grade to grade, though the latter practice is somewhat rare. This prerogative of the Crown is or may be exercised by the king personally unless there be politics involved. But it goes without saying that the prime minister wields a large influence in this matter and it is for him to say whether politics is or is not involved. The honor of peerage is expected to be awarded to persons of eminence, and all prime ministers exercise this function of creating peerages with a view to satisfying the nation's desire. It may be eminence in arms, law, literature, art, science, or (in recent times) in business. The successful person expects to have his success symbolized if not made tangible by ennoblement. Naturally a Liberal's success is more visible to a Liberal prime minister. Sidney Webb, the socialist historian and administrative scientist, would hardly have been made Lord Passfield save by a Labour premier; indeed, in his case, he was raised to the peerage much against his personal desire, solely to strengthen his party's exceedingly meager representation in the House of Lords and enable the Labour Cabinet to include at least one nobleman as secretary of state, to represent the Cabinet authoritatively in the upper house.

Creation of peer. The peerage involves inequality, as of its very essence, a sign of the stratification of English society; nevertheless this noble class is different from continental nobility in one very significant respect. Only one member of a family is "noble"; all the rest of the family provide a constant enrichment of the "commonalty." When the peer dies, his eldest son succeeds him. He alone becomes the peer; all the rest are commoners, though they have shared the blood, training and social privilege of their elder brother. Reciprocally the peerage is constantly being enriched from the commonalty by the selection of its cream for ennoblement.

The hereditary principle. The hereditary principle is essential. Upon the death of a nobleman his peerage *must* be inherited by his eldest son. The latter may prefer a career in the House of Commons, but he is helpless. In consequence of the hereditary principle, there is the constant possibility that the peerage will be clogged or diluted by the presence of men

who are not themselves eminent in the slightest degree, but mere descendants. Such peers do not habitually attend the House, but they are entitled to come, and constitute a potential detriment. These black sheep and backwoodsmen, as they are called, constitute a serious problem and the Conservative party has found its wisest leaders (Salisbury in the 1880's and Lansdowne in 1910) trying to take measures to save the prestige of the House by eliminating the black sheep, or mitigating the hereditary principle by some system of election. On the same side was found Lord Bryce, a convinced Liberal, who had comprehensive and philosophic views regarding the constitution, which made him desire that the upper house should be "mended," not "ended"; i.e., strengthened by correction of its defects, not reduced to insignificance. But hitherto all such reform efforts have been in vain.

Party influence in creation of peers. Party political influences in the creation of peers have been mentioned. Throughout the nineteenth century, Whig and Liberal prime ministers have been using the king's birthday and New Year holidays as an occasion for introducing into the peerage public men of their own political persuasion. There seems, however, to be an irresistible tendency for peers, or at least the sons and grandsons of recently created peers, to become conservative in temperament and also to become members of the Conservative party. The latter can always count on a nine-tenths majority or even more. This always makes the House of Lords an unfair possessor, as between parties, of the power of rejecting the work of the House of Commons. As will shortly be seen, this became a crucial matter in 1909. But another feature of the political creation of peers is the permanent possibility that it may be used to swamp a majority that is hostile to the premier of the day. In 1714, for the purpose of forcing through the House the legislation that was necessary to give effect to the treaty of Utrecht, a small but sufficient number of peers was actually created. That is the last occasion on which this mighty prerogative of the Crown has been actually put into effect. In the 1832 crisis, in view of the apparent intention of the House of Lords to reject a suffrage reform bill upon which the nation's

heart was set, a long list of new peers was drafted, that is, of men who were about to be created peers in order to swamp the Tory majority. The threat was sufficient. Under the statesmanlike lead of the Duke of Wellington, the Tory party retreated from the field and allowed the bill to pass. Likewise in dealing with the Parliament Act of 1911, the mere threat of peer-creation on a large scale sufficed, since it was obviously about to be carried into effect. Though there were some who declared themselves ready to "die hard" in the last ditch, enough Unionists abstained from voting to enable the House of Commons and the country to have their way, and pass an act designed to alter in some degree the constitutional relations of the two Houses.

What peers have influence? A peer, whether by inheritance or by new creation, whether the head of an ancient family that looks back to centuries of influence and dignity or a self-made twentieth-century man who has risen to eminence by his skill in the organizing of the manufacture and sale of soap—Mr. Lever, for example—they all have the same rights. Influence, however, goes largely to those who personally deserve it. Lord Iddesly has recently shown (*Nineteenth Century*, Dec., 1930, p. 723) by a species of parliamentary statistics what is the part taken by hereditary and by recently created peers. Calling attention to the fact that hardly over one-seventh of the members ever take part in parliamentary activity, he points out that in 1929 only 138 ever spoke; 73 hereditary peers talked to the extent of 639 columns in *Hansard's Debates*; 65 created peers spoke to the extent of 1465 columns.

Peers' debate. The House sits fewer days in the week than the Commons and for a much shorter time per day. The active working House rarely consists of more than twenty-five or thirty-five members. This inevitably has an effect upon the quality of debate. Men do not have to raise their voices. They can think aloud persuasively. There is no motive for self-advertisement (e.g., of reflection), no temptation to buncombe. Indeed, when the House takes a real interest in a piece of legislation, the average quality of its debate is very high, far superior to that of the House of Commons. They can say what they really

think, knowing that their talk and even their vote will not unseat the Ministry. Their expert criticism of detail in legislation will be well received by the nation's judgment, regardless of party.

In a general consideration of their legislative activity, it must never be forgotten that every act of Parliament must have the consent of Lords as well as Commons. During the early nineteenth century, the Conservatives of the House of Lords gradually learned under the tuition of their unquestioned leader, the Duke of Wellington, to observe the following principle in dealing with legislation sent up by the House of Commons. If the premier leading the Commons were a Conservative, the House of Lords might sleep; their party duty of defending the traditional was done for them in another place. In the contrary case, innovating legislation sent up by a Liberal premier should always be looked at askance, commonly rejected. If, however, the course of events during the ensuing two or three years clearly showed that the Liberal premier had the country with him, then the Lords were in duty bound to yield and pass the legislation.

Tory partisanship. The last decade of the nineteenth century and the first decade of the twentieth saw a type of attitude developing in the House of Lords which was more partisan, less nationally patriotic than that of Wellington. Gladstone and Campbell-Bannerman as Liberal premiers saw their legislation ruthlessly, regardlessly rejected by the destructive activity of a Tory House of Lords, while the Tories Salisbury and Balfour could completely ignore the silent upper house. The Liberals became more and more irate. Their leaders complainingly threatened that the House of Lords "must be mended or ended." The matter came to a crisis in 1911. Lloyd George's budget of 1909 (confessedly unfriendly to the dukes' landed wealth) was debated at great length in the House of Lords, contrary to all precedent, and was finally rejected. The Lords themselves did not pretend that the constitution gave them power to discuss, amend, or reject a budget. But the Conservative party, acting through the House of Lords, maintained that Lloyd George had filled his finance bill with riders, irrelevant in a budget, such as tended to destroy the familiar equilibrium of social forces. Under the guise of taxation, they said, he was introducing socialism.

They assumed the right temporarily to reject the budget, solely with a view to compelling a dissolution of the House of Commons, an appeal to the electorate as master of the situation. The new House elected in January, 1910, still gave a majority to the Liberal premier Asquith. The same budget was passed again by the Commons, and now by the Lords perforce.

Act of 1911. Passions had now been roused and raised to so high a temperature by the budget crisis—with Irish Home Rule and far-reaching Social Reform in the background—that the real function of the House of Lords in legislation had now become a matter requiring definitive settlement. Bills were prepared on the Liberal and Conservative behalf respectively, and a second dissolution called for another election (December, 1910) of the House of Commons on this very issue. The country sent back a majority which was still ready to support Asquith; consequently the Liberal bill was passed, even by the House of Lords. It is known as the Parliament Act of 1911. By and large, it is fair to say that this Act hardly did more than enact familiar constitutional "convention" into law. Henceforward the power of the House of Lords to debate and reject finance was gone, by law as well as by custom. A House of Commons budget after thirty days of lying on the table of the Lords is law, whether the Lords pass it or not. If there be doubt whether a given bill is or is not of financial character, that saving grace is assigned to it on the sole word of the speaker of the House of Commons. This seems to weight the scales in behalf of one House against the other; but it must be remembered that as between parties the speaker is, and is universally esteemed to be, as impartial as a judge.

Lord's veto little changed. On non-financial legislation, it was determined in the Act of 1911 that a bill may not be more than tentatively vetoed by the House of Lords, *if* the Commons can only persist with sufficient cohesion and tenacity. A bill does not require the House of Lords' assent if the House of Commons shall pass it—the identical bill unamended—three times in three successive sessions, with a period from the beginning to the end of the process continuing to the length of at least two years. This condition is so difficult of attainment that the

process has been operated only once in over a score of years. The Lords' opposition to the Commons' bill challenges the country's attention, suggests analysis by the press, eventuates in amendments which are made to seem plausible; in short, the Commons finds its insistence upon the identical bill almost impossible. The Parliament Act has by no means abolished the veto of the House of Lords. Its wings have been a little clipped. But the upper house remains as a powerful check upon the legislation desired by a Liberal or Labour Cabinet, a constant opportunity for appealing from the will of the House of Commons of today to the House of Commons of tomorrow, as the Conservatives and the Lords would say "from Philip drunk to Philip sober."

"Mending" the House of Lords. The Liberals did not "end" the House of Lords or even the House's legislative veto. Considering the nice balance of parties, they somewhat redressed the unfairness of the scales mechanism as it stood twenty-five years ago. The Conservatives still talk of "mending" the House of Lords, but though they have had plentiful opportunity they have not ventured to attempt a measure in this direction; nor have they thought it safe to challenge Liberal and Labour opposition by attempting a repeal of the Act of 1911. All parties have let sleeping dogs lie. Most moderate men do not approve of the House of Lords as it is—no one would have created it so—but all are skittish of experimenting with it. All want a second chamber which is not responsible: responsibility must be borne by the Commons, led by the Cabinet; all desire a revising chamber that shall enable, nay compel the House of Commons of today to act in view of and in effectuation of the most probable will of the nation in the long run.

PROCEDURE IN PARLIAMENT

In the House of Lords. Certain points should be fixed regarding parliamentary procedure, though it must be understood that this, whether in Washington or in Westminster, is a highly intricate business, in which the layman need not expect to become familiar with detail. Many of the remarks which follow would apply to either House (Commons or Lords). But there

are important differences that are appropriate to their character as thus far described. For example, the House of Lords can dispense with an elaborate structure of rules such as the Commons requires, partly because of the high average of personal dignity in the upper house, partly because there is no possibility of a Ministry's life and death depending upon its votes. The Lords sit fewer days in the week and far fewer hours. Their quorum is exceedingly small, three in fact, as compared with the Commons' requirement of forty. The presiding officer of the House of Commons has already been described. The presiding function for the House of Lords is performed by the lord chancellor, but instead of being an impartial judge he is a politician in the Cabinet, changing with its politics, yet possessed of immense influence in judicial administration through his function of appointing judges as well as his membership in some of the highest judicial tribunals. When a substantial change is required in the common law, to be made by statute (which is not often), the lord chancellor is likely to have his name attached to such a bill, to signify that it is a government measure. He will see to its passage through the Lords. In this sense he performs a function somewhat like that of the chairman of the judiciary committee of the American Senate.

For one purpose alone the House of Lords may sit by itself without its companion house. This is when it acts as the highest court of the realm. The Law Lords, seven in number, are appointed for this purpose to the membership of the House. Their peerage is for life only, not hereditary. They provide the professional competence which is obviously not to be found in the ordinary peerage, spiritual or lay. From the judicial sessions held by these experts the lay (i.e., non-expert) lords absent themselves, by custom.

Adjournment. Otherwise the two Houses are convened and dismissed together. (1) Adjournment, it is true, is by either House at its own will, but obviously this is a mere matter of quitting work for the day or for the week-end. (2) Proroguing Parliament is a more solemn matter. For both Houses it ends a "session," which presumably has continued several weeks or months, and opens a parliamentary vacation. Legislation that

has not passed through all the required stages has thus failed, and will have to be started again in a later session. It is the king's proclamation that prorogues his Parliament, as it is the king's summons that brings together a new session, which is then opened with a speech from the throne providing them with an authorized program of work. It is also the king who by proclamation dissolves the House of Commons. (3) Dissolution puts an end to the life of one House of Commons and requires the birth of another. The peerage being permanent, the House of Lords suffers no such interruption of its life but only a suspension and revival of its legislative activity.

Prorogation and dissolution. To prorogue and dissolve a Parliament is so intimately political an act that the king's participation in the process is only a matter of form. All depends upon the premier's judgment of political expediency. He must hold one session a year, or the twelve-month limit of his budget will leave him without funds for carrying on the government. This principal session will last from mid-winter well into the summer. But he may, and now invariably does, hold extra sessions. For Parliament is the body which provides the nation with its tribunal for assessing from day to day the degree of confidence the nation will give to its administration; and it is that body which alone can pass the legislation which is demanded on so enormous a scale in modern days. A proclamation of dissolution is issued when a new appeal to the people is to be taken. The limit of one Parliament's duration used to be seven years, but this was changed in 1911 to a five year term. During the war, however, Parliament manifested its legal omnipotence by lengthening its own term, so that there was no election from December, 1910, until December, 1918. Elections may be held, however, far more frequently than the legal term suggests; in fact there were two in 1910 (January and December), and three in the successive years of 1922, 1923, and 1924. If there be no such premature interruption, as the five year period nears its close, the premier is almost sure to make his appeal by dissolution at a time which will allow him some leeway, usually a matter of six months. This power of dissolution at the premier's discretion is one of the most effective elements in the power of

the executive to dominate the legislature; or to put it in another way, the power of the party leader to crack the whip over his followers and guard the flock from straying. The party leader can always tell his party followers (through the whip): "Here is my program, on which my judgment tells me the people will support me; pass it into law as I direct; if you do not, I shall dissolve your House; reëlection will cost each one of you some thousands of pounds; if you are insurgent my followers in the electorate will supplant you by men who will do as I bid."

COMMITTEE SYSTEM

No modern representative body can do business without committees, least of all a body so overburdened as the Mother of Parliaments. But the word committee is used at Westminster in several senses that must be carefully distinguished.

Committee of the Whole. By ancient tradition a House (and here we are speaking particularly of the House of Commons) must "go into committee" for that intimate debate which will enable it to think freely and easily on the details of legislation. The speaker leaves his chair and a substitute called chairman of Committee takes his place. The rules of Committee are simpler, more informal, than the rules of the House, allowing the body, so to speak, to take off its coat and roll up its sleeves. After the spade work has been completed, the Committee "rises" and reports to the House (precisely the same in personnel) what the servant has prepared for the master's adoption. This is an invariable rule of the procedure for legislation. Indeed, if at the last moment on the third reading of a bill, it is apparent that a further amendment is needed, the House "goes into committee" again for consideration of that proposed amendment. For this general-purpose committee on legislation there is no specific name. But when the House is working on finance its Committee of the Whole has two specific names. If it be the income side of finance (i.e., taxation) this is the Committee of Ways and Means. If it be the expenditure or appropriations side of finance, we have the Committee of Supply. By far the most engrossing and politically interesting part of the House's work is done in the Committee of Supply. True, the House is

not really dealing with the problem of financing, properly so called; that is arranged for it by the Cabinet; and the "votes" (appropriation bills) thus arranged go through practically without change; but under the name of financing, the House is really (in Committee of Supply) asking questions, criticizing and in general reviewing the whole course of administration, to satisfy itself and the nation on the point of general confidence.

Select committees. These are small bodies, of a dozen or fifteen members, which are constituted as need requires, to find the facts and explore the possibilities, to prepare the mind of the House on concrete topics which presumably need elucidation before the parties (Ins and Outs) can decide their positions. At any given moment such committees may be few or many. They may continue in existence many months. Their work involves the examination of witnesses, preparation of statistical studies, argumentation by counsel and presentation of views by outside experts. They may make minority as well as majority reports, based upon diverse interpretations by their members of the legislative problems involved. Only after a select committee has made its report (or reports) is the matter dealt with regarded as ready for political treatment. One of the parties may adopt the policy advocated in the majority report, and another party will presumably take the opposite line. All House members and the public at large will have had the benefit of this presumably non-partisan, scientific elucidation.

"Grand" or standing committees. These bodies come a little nearer to what we know as the committee system in Washington and in most state legislatures. Long experience had shown that when a technical matter was under consideration those present in the House consisted solely of the few persons who were interested or informed; and so far as the rest of the members were concerned the time of the House was being boringly wasted. For example, if Scottish administration were under debate, 60 or 80 persons who were interested, whether Scotsmen or not, were all that could be persuaded to sit in the House. These 60 or 80 were the House, with its partisan division and complete equipment. But the party leaders and party voters, potentially available, ready to be summoned to vote as they were

told by the whips, were mainly waiting for the Scottish business to be over and were impatiently wasting their time meanwhile. As a result of this experience a system has been evolved in recent years whereby six Standing Committees can be constituted. Each is a miniature House, with party lines taken in debate and voting directed by the whips. Save for Scotland, the committees have no specialized personal experience or limited field of activity; any bill may be sent to any committee that has free time. The committee provides sufficient opportunity for remarks to be uttered in parliamentary debate, which would otherwise have to occupy the time and attention of the House as a whole. These committees meet in the morning when the House is not in session; in their own separate rooms, perhaps simultaneously. In effect this device multiplies by seven the capacity of Parliament to go through the business of talking. It obviously saves an enormous amount of time and enables members in some slight degree to specialize on the topic under debate.

Private bill committees. This is a device which enables Parliament to perform certain governmental functions in the external form of legislation, but with the interior spirit of adjudication. A certain county or borough or district desires authorization to condemn land for public purposes, or to borrow money for entering upon an enterprise of municipal socialism. It has not yet the legal authority, which can be obtained only through parliamentary legislation. But it is obvious that what is required is not "legislation" in the sense of laying down a certain principle, but rather an equitable, impartial adjudication of the special private interests involved; namely, those who ask a certain permission and those who oppose it. Each of the two Houses has developed a group of members who can be assigned to committees in order to perform this essentially adjudicative function. These bodies consist of four or five members, carefully chosen as disinterested judges, who listen to testimony and the arguments of counsel and pass their decrees accordingly. What the committees decree the House enacts. The Houses divide this work between them, and what one House has adjudicated the other House passes *pro forma*. Thus an act of Parliament is achieved, which is not real legislation but rather litigation.

Committee of Selection. All these committees, at least those of the three last types, are appointed by a Committee of Selection. This body consists of eleven persons who act as the non-partisan speaker would act; i.e., so as to secure the will of the House as a whole. They appoint partisans to the standing committees in due proportion to the party membership in the House. To the Private Bill committees they appoint men of judicial temperament with experience in this line of business. To the Select Committees they appoint suitable men, capable of conducting a fruitful inquiry, irrespective of party.

Cabinet as steering committee. As we leave the committee system one last remark may be made. Everything depends upon the presence and activity, especially in the lower house, of the Cabinet ministers, as the steering committee of Parliament. They make its program, and alter it as occasion arises. Their members pilot bills through the two houses and make suggestions for adjustment as between the two houses when amendments are insisted upon. There is no practice of setting up temporary inter-house Conference Committees such as wield enormous power at Washington, their operations secret, their responsibility divided and therefore dissipated. Rather one should say that the Cabinet is the all-sufficient, unified, and therefore responsible, committee of conference and leadership.

Private Acts. Three types of bill require to be distinguished before we leave the matter of parliamentary legislation. "Private Acts" or private bills proposed for enactment are, as we have just seen, legislation in name and form, but they are dealt with in quasi-judicial fashion. These proposals need to be made into law, but their scope is purely private and partial. They do not deal with affairs on the scale of the realm or of any class or type of persons in the realm as a whole; rather they deal with some individual person or place, each of which requires differential, specialized treatment. The English have none of our American horror of special legislation. They have means, in a carefully contrived procedure, of preventing special legislation from becoming a danger to public government. The private interests are frankly recognized as such. They need not attempt to secure control, by covert methods, of the legislative body. They need

to be and are considered as purely private interests with full, fair regard for opposed private interests; all in the manner of judicial litigation, though it is not the courts but Parliament that gives the relief desired.

Private Members' Bills. In sharp contrast with the above, all other legislation is "public." But its authorship may be of two sorts. "Private Members' Bills" deal with public affairs, of all England or of a whole category of persons and things. But they are the bills that have been initiated by individual members of Parliament, who are called private members because they do not bear the responsibility of government. Such bills stand on their own merits, so far as the narrow limits of parliamentary time allow. They must do without the pressure of the whips, they cannot expect to be pushed through by closure. As a matter of fact they have an exceedingly slight chance of passing.

Government bills. By far the most important legislation appears in what are called "government bills." These also, like the category just described, deal with public affairs. What gives them their name is the fact that it is the government that initiates them; that is, the king's ministers on their responsibility as such. The more important of them have been promised in vague terms in the king's speech at the beginning of the session. The "Government's" interest in them is due to their adoption by the Cabinet on its program, and is signified by their being steered through the two Houses by responsible ministers. If necessary, they may use the closure to limit debate upon them, and these measures are likely to be made "Cabinet questions." That is to say, the Cabinet stakes its life upon their passage, insists upon the rank and file of the majority party casting its vote for them, under the watchful and threatening eye of the whip. True, many a topic is included in the king's speech which does not finally achieve passage as law, but that is because too much legislative work has been projected; the ship has been overloaded, and the captain has found it necessary to jettison some of the precious cargo in order to save that which is still more precious. In order to save the budget and its own existence, the Cabinet may in the course of the session find it necessary to abandon a considerable portion of its program and refuse to some of its members'

pet measures the closure and whip procedures that would be necessary in order to pass them.

Parliamentary time. For experience shows that the rarest, most precious element in the parliamentary process is *time*. Parliament never is able to pass more than a small portion of the legislation that had been projected. Unexpected obstacles, and in any case systematic obstruction by the opposition, brings the government at the end of every session to the reluctant admission that it must leave undone many things it had hoped to do. The congestion of Parliament's labors constitutes a situation which has become so acute that there is a widespread present demand for "devolution"; whether *territorial*, the setting up of local legislatures and administrations in locally limited areas, of which Northern Ireland (Ulster) is already a successful example; or *functional*, the creating of an economic parliament as suggested by Sidney and Beatrice Webb in 1919. But up to the present time this proposal remains a matter for speculative debate, except as England is experimenting with an Economic Council, and certain other bodies of similar character, whose advice may ultimately grow to a position of authority.

Finance. The one type of legislation which is sure of passage is *Finance*. A considerable portion of the support of government rests upon an annual basis. The "King's government must go on." But it is against the principle of parliamentary control that the king's ministers be given a longer lease of power than twelve months. The budget then simply expires through lapse of time. Taxes and appropriations must be renewed or they cease to be legal. Hence all other programs of legislation are shoved aside in order to make time for finance.

Executive's responsibility. Another vital feature of parliamentary finance is found in the principle that the initiative in this field is a function of the responsible executive alone. For generations Parliament has stood by the self-denying ordinance, by which it forbids to its "private" members the financial initiative. Only a minister of the Crown may propose an expenditure from the nation's treasure. Mere members of Parliament, as such, may only propose to reduce the financial burdens of the people. No government expenditure may be sponsored by a

member hopeful of winning votes thereby. In American terms, this eliminates entirely the pork barrel and the rolling of logs, at any rate in finance.

Chancellor of exchequer. The responsibility is centered to an extraordinary degree upon one man. The chancellor of the exchequer is the financial, as the premier is the political, incarnation of the Cabinet and Ministry. Knowing that he is the financial mouthpiece of the premier who acts as the unifier of the Cabinet and of its program of work, the chancellor of the exchequer, as head of the Treasury, rigorously controls every department's request for funds. He may tell one department colleague to scale down his requests by 1%, another by 5%, or suggest to still another that he expand his requests by a given proportion. That is the last word, and they must obey, for he speaks the mind of the Cabinet as a whole, and the individual minister has his existence as such only so long as that Cabinet remains in power.

The chancellor of the exchequer, having made up his total of expenditures, proportioned among the various departments, is then solely responsible for finding ways and means to make ends meet. That is to say, he fixes the rates of taxation, and it is his duty to prevent either surpluses or deficits. He may raise the income tax a penny in the pound or lower the excise on tea or tobacco by a farthing. The effects have been skillfully forecast by Treasury experts with a view to making his pronouncement a balanced budget.

Supply debate political, not financial. Regret has been felt over what is sometimes regarded as the excess of the good quality of this system. It is sometimes said that all the debate time of Supply is wasted, because the votes as brought in by the departments, after long-drawn consideration, or at least debate, are always passed just as they came from the hand of the chancellor of the exchequer. The government, jealous for its prestige, takes the attitude that any alteration by Parliament, diminution as well as addition of items, is an encroachment upon its leadership, not to be endured, and involving the resignation of the Cabinet in case of parliamentary insistence. It may well be that parliamentary debate could provide many useful improve-

ments in detail upon the budget as introduced by the chancellor; very likely much expert opinion is found on the private benches of the House, which now is wasted. The fact remains that the Cabinet's sole responsibility has long been felt to be a principle of priceless value, and that it is feared this value might be impaired if the chancellor and his Cabinet colleagues admitted their errors or the possibility of improving their budget. For good or ill, the Cabinet monopolizes the financial initiative absolutely; if a member of Parliament is to improve the budget, he must get into the Cabinet or persuade the Cabinet in advance, in order to do so.

Regarding legislation in general, we may compare the two Houses in one final remark, which has importance especially in view of the respective characters of these two bodies, as already described. On matters of law-making, strictly so called, the Commons debates may have effect on the large scale in the realm of general policy, and popular acceptability. It is their function to break an idea to public opinion, to bring public opinion to bear upon its essential content. The contribution of the Lords, on the other hand, is of value as regards technical or legal detail. These last are matters upon which the life of the Cabinet is not staked; the Commons have determined upon the basis of general public opinion that legislation of a certain general character is desirable and politically acceptable; the Lords (which means perhaps a half dozen exalted expert minds more familiar with the matter than any other persons in the realm) can talk the matter over intimately and improve it in detail.

PARTIES

Evolution of parties. In the account thus far given of Parliament and the Crown, much has been said of parties. One is tempted to speak of a party system, but it is important to realize that we are now dealing not with a planned scheme or mechanism, but rather with a social practice, a manner of political life, that has very gradually grown up while the governmental system was evolving. The evolution of these parties has been largely determined by the governmental system, especially the relation between Cabinet and Commons; but the converse is equally true:

that the parties have heavily influenced the relation of Cabinet and Commons in their mutual adjustment. Our description must largely consist of an outline of the story of these reciprocally influenced evolutions, concluding with a hint regarding the present situation, which, it must be confessed, is highly abnormal and transitional.

Burke's definition. Ideally parties are not *factions*, whether that term signifies groups of contestants who rely upon physical force, or as others would say, aggregations of men who are co-operating peacefully, but solely with a view to maintaining the self-interest of themselves as groups. The true party, as distinguished from faction, is not self-seeking. It is a group of men, as Edmund Burke described it a century and a half ago, who are "united for promoting by their joint endeavors the national interest, upon some particular principle in which they are all agreed." Parties exist because in their interpretation of the nation's true interest men do not all think alike, nor do they all think differently. As regards any particular group, that which unites them as a true "party" is essentially an altruistic purpose. There has always been something of this quality in English party life, alloyed all the while by the selfish purposes of some men in the groups, and also by the natural tendency of every group, once constituted, to become rigid and to lose spontaneity and flexibility for the sake of becoming permanent and effective. As a group by common experiences acquires *esprit de corps*, it is likely to think more and more of the interests of the all-too-human group rather than of the nation: it engenders party rather than public spirit. There is, furthermore, a strong tendency for these groups to acquire habits which become mechanical, to devise mechanisms for effectiveness which gradually cease to be means and become ends in themselves. Names beget traditions and acquire propaganda value for winning recruits. As generations pass, new men are born into the parties of their fathers, but with changed circumstances the original party purpose is altered, and ancient traditional names of persons or of ideals are perverted for new and surprising purposes.

A striking feature of the English party story is the continuity from generation to generation of *two* parties and two bodies of

leaders and traditions, in opposition to each other. This division seemed to be compelled more and more by the two-sidedness of the great game of politics, as it took shape. But there is a temptation for the historical student to overemphasize these apparent identities.

Pre-party history. Until the middle of the seventeenth century, the fundamental constitutional question of supremacy as between King and Parliament had not been settled. There was a long period of purely factional strife, the Wars of the Roses (fifteenth century) with its struggle of Yorkist and Lancastrian families for the throne, most destructive in its effects on the aristocratic feudal families. The Tudor monarchy of the sixteenth century rose as a natural reaction against this feud and the resulting anarchy, and it supplied a single, strong executive power, dominating all political life. In the course of the seventeenth century Parliament reacted against this Tudor "dictatorship" in behalf of the nation's own self-direction by its elected representative body. With the success of this latter principle (one Stuart king beheaded and another exiled), Parliament came into nearly complete command of the situation, and became able to provide an opportunity for the genuine, peaceful rivalry of political ideals and their adherents. The party system was born.

Whigs and Tories. Toward the end of Charles II's reign two parties appeared, the Petitioners, who were organizing a nationwide movement to require a session of Parliament to be called for the purpose of declaring the Duke of York (a Catholic) ineligible for the throne; and the Abhorrrers, who vehemently rejected such a notion. This was definitely a contest of ideas regarding the need of the nation. These groups soon acquired the names of Whig and Tory respectively. The names were not descriptive, were mere nicknames, but they stuck. And at least one of them is used to this day. Throughout the eighteenth century these parties remained, in Lords, Commons, and electorate, with some degree of continuity of ideas, but with much variation of what was denoted by party names, as various issues arose to be dealt with. The Tories, for example, who had associated themselves with the idea of the divine right of kings, were discredited by the Jacobite insurrections of 1715 and 1745,

two futile efforts to restore the exiled Stuarts to the throne. The Whigs, who had made the bloodless revolution of 1688, conducted the government during most of the period down to the accession of George III (1760). The association of the Tory name with treason in 1715 and 1745 and with ridiculous failure on both occasions, made the Whig party so large and so sure of its predominance that it tended to break up into self-seeking factions. This development provided George III (1760-1820) with his opportunity to play politics and attempt the construction of a parliamentary party of "King's Friends." The king was trying to play the parliamentary role of premier-maker. The military failure of George III and Lord North, suffered at the hands of Washington and De Grasse at Yorktown, doomed to failure this ambitious plan in home politics as well; and George III spent much of what remained of his long life in decline and insanity. Succeeding kings refrained from reviving his unconstitutional design.

Liberals and Conservatives. The Whigs and Tories continued the parliamentary game, as alternatively Ins and Outs, but their names gradually gave place in the early nineteenth century to the more descriptive appellations of Liberals and Conservatives. The Whigs found at their left wing a group of men willing to think to the roots of tradition, and hence called "Radicals." These were not men of the type suggested by our current use of the term; some were intellectuals (James and John Stuart Mill, the historian Grote), some were rich manufacturers (John Bright, Richard Cobden). A Whig, properly speaking, was nearly as strong an adherent of tradition as a Conservative; but he was emphasizing the parliamentary against the royal tradition. But a Radical would rationally analyze and perhaps boldly abandon tradition. Whigs and Radicals were strange bed-fellows; nevertheless as Liberals they were generally able to cooperate against the "high" Tory who might still stand pat for royal prerogative, who would surely defend vested interests, and who was beginning to develop ambition for empire.

Home Rulers and Unionists. The Irish question had long been troublesome, and had actually convulsed English politics during the last third of the nineteenth century. It finally led to

a split of one party and a new name for the other. Gladstone, the Liberal leader, tried to carry his party in 1885 over to the extraordinary innovation of granting Home Rule to Ireland. An important section of the party, professing to remain Liberal, seceded and joined the anti-Home Rule Conservatives upon what both groups regarded as the most fundamental requirement of English politics—maintenance of the union with Ireland. These Liberal-Unionists gradually fused with the Conservatives and there was produced by their coalescence a party which calls itself Unionist to this day. The democratic reform of the suffrage, partly achieved by the Tory-Disraeli Act in 1867, caused the Conservative party, as a matter of electoral tactics, to prefer a name (Unionist) of high-sounding appeal which did not, as the name Conservative was traditionally bound to do, offend the progressive democrat. There is indeed within the Unionist party a strong current of "Tory Democracy," which does not live happily with the Die-Hard group of ancient traditionalists which forms the core of the party and frequently takes the lead.

Labour party. Even more striking in its effects than this emergence and consequence of the Irish Home Rule question was the rise of the Labour party. In its earliest period the Labour movement did not conform to the Burke requirements for a party. Here were men who said that Labour must fight for its own, not playing the parliamentary two-party game, but extorting concessions in law and administration from the governing class for the oppressed masses. It was frankly a class movement. Since 1917, however, the new program of the party may properly be said to have adjusted itself to the system of parties as contemplated by Burke. They demand for England's sake, not for that of a class, what they regard as a better ordering of society.

Presence of three parties anomalous. As was hinted in the beginning of this section, the present party situation is in the highest degree anomalous. It may almost be said that since the late summer of 1931 the party system has been suspended. Notwithstanding the old tradition of the two familiar parties the new movement under the name of Labour had gradually increased in strength until it had ceased to be a mere class protest, by a small minority hoping to extort compromises from one of

the two "governing" parties. The Liberals seemed to be steadily dwindling. Labour had become the second party in the state, from the point of view of electoral votes and of members in the Commons. Though not a majority, it had twice been that one of the three parties to which the responsibilities of administration were entrusted, in 1924, and again in 1929. In each case, however, it had been in office rather than in power. The Liberals had been so reduced in numbers that they could not claim power when the Conservatives were thrown out. They would rather support a Labour government than a Conservative, but their support was grudging and on conditions. Many a Labourite thought it only a question of months when the Liberal party should be squeezed out of existence and its members compelled to choose between the two great contending forces, Conservative-Unionism and Labour. The history of third party movements in the past certainly suggested such a possibility. Since two-sidedness seemed ingrained in the parliamentary system, a third party has always seemed fated either to subside finally into oblivion, or to force a new alignment, both the remaining parties suffering deep changes in their composition and purposes, but the two remaining two. The Liberals did not share this view, naturally. Their deep divergence from the Labourites as well as from the Unionists, and the great strength of Liberal tradition in people and press, rendered it doubtful whether there might not be a long continuation of the anomaly of three parties rather than two, dividing fairly equally the voting and parliamentary strength of the nation.

Weakened Cabinet. This situation, many constitutionalists would say, is worse than an anomaly; it signifies a deplorable weakness. If responsibility is to be fixed and not constantly evaded, the people must be enabled to choose definitely one of two parties which can really wield power rather than suffer the inconclusive contests among three parties, no one of which can confidently enact and administer law according to its own coherent doctrine. Among parties "two is company, but three" is—parliamentary impotence. The example of Italy less than a decade previous showed how parliamentary impotence may lead to a dictatorship. "The king's government must be carried on."

Action of some resolute character is to be preferred to inaction in presence of a crisis. The troubled financial situation of Great Britain in the summer of 1931, coming at the end of a decade of paralyzed industry and impoverishing unemployment led to an extraordinary, really unconstitutional event. Ramsay MacDonald had for almost two years been head of a Labour Cabinet. King George V, it is generally understood, suggested that MacDonald resign, thus breaking up his Labour Cabinet, form a new government that should include statesmen of all three parties, and appeal to the nation by a dissolution and a general election.

National Cabinet, 1931-1935. MacDonald, with motives that have been variously interpreted, took the responsibility and accepted the suggestion. His new Cabinet included members of the three existing parties in fairly equal proportions. The new election (October, 1931), it was designed, should be fought upon the understanding that all should seek positions in the Commons under the comprehensive name of a "National" party. The theory was that the nation's economic existence was under dire threat, as serious as war; men must therefore lay aside their party differences and all support a non-party or all-party Cabinet of patriotic experts.

MacDonald's incredible position. Two factors of the resulting situation, however, deeply affected, for good or ill, the results of this extraordinary experiment, unique in modern English history. The great bulk of MacDonald's own Labour party refused to follow him. They regarded him as a renegade, and went into embittered opposition to him and his strange new colleagues. Then, too, the so-called National party, new named and barely projected for this election's campaigning, turned out to be, in an overwhelming proportion, men of the Conservative party tradition and present loyalty. The result is almost incredible according to parliamentary standards, especially in view of the fact that most of MacDonald's Labour ministers and several of his more important Liberal ministers have since resigned and gone into opposition along with the Labour party, his former followers, now his embittered enemies. For nearly four years, until June, 1935, he remained prime minister as the nominal head of an immense majority, who were, however, engaged in enacting legis-

lation to which he had formerly been deeply opposed. Even after resigning the premiership to Stanley Baldwin, he was retained in the Cabinet, in the sinecure office of lord president, and his son became colonial secretary. It may be that his retention of the premiership justified itself to him as enabling him to mitigate, in foreign affairs, what would otherwise have become a thorough-going Tory policy, imperialistic, perhaps chauvinistic. One can only speculate upon the inmost feelings of this long-time enemy of the Tories as he remained in office, apparently only by the sufferance of his former enemies, until such a time as affairs became less critical and embarrassing to office-holders, hence more agreeable for the Tories' resumption of office as well as of power.

Unionists' tenets. A word or two may be added regarding the composition and traditions of the three parties, up to the time of the 1931 crisis. The Unionists are of course mainly concerned with preservation of the union with Ireland; but the treaty of 1921 has definitely separated the Free State from Great Britain, as definitely as Canada. The party had been for many years acquiescent, at least, in the policy of free trade, introduced in 1846 by the great Tory leader Sir Robert Peel, who not only destroyed the structure of Protectionism, but split his party in so doing. Since 1900, however, protectionism, as taught by Joseph Chamberlain, the Liberal-Unionist, has gradually resumed its position as a leading tenet of the Tories. This is a part of the tendency to strong nationalism, even imperialistic nationalism, which goes back to Disraeli. The empire is there, Tories would say, as well as the nation. The nation must be defended against internal disruption by Home Rule. The empire must be held together (by protectionism) as a self-sufficient economic unit. The empire, furthermore, must be maintained resolutely against any nonsense about "national self-determination" for India or Egypt. Tory statesmen have participated in the work of the League of Nations, notably Sir Austen Chamberlain, who took a conspicuous if not a leading part in the negotiation of the Locarno system of guaranteeing the peace of Western Europe. Yet the Tories, while correct at Geneva, are the least enthusiastic of the three parties regarding the possibilities of international-

ism. Their conservatism is the clue to their attitude on two branches of internal policy, "Beer and the Bible": they defend the "trade," that is, as Wets, they are resolute to conserve the immense amount of capital invested in the brewing and distilling of liquor and are least hospitable to the advance of the Temperance Crusade; they likewise are the conserving defenders of the Established Church in all its privileges, against the encroachment of rationalism in doctrine and of rebellion by dissenters against Church privileges in the schools.

Liberals' tenets. The Liberals long treasured the three-fold slogan, "Peace, Retrenchment, and Reform." Under the influence of Bright and Gladstone, they were generally ready to oppose and criticize all adventures in foreign politics. They claimed to be the most trustworthy defenders of the taxpayer's money, not only against warlike adventures but also against the paternalistic socialism that would spend public money for the needy, even under the suggestion of a Tory philanthropist, Lord Shaftesbury. "Reform" is outworn as a battle-cry because suffrage has been achieved, as broad as anyone can imagine. *Laissez-faire* was for generations the all-suggestive slogan of fighting for individual freedom, against the Conservatives' maintenance of traditional social trammels. The Manchester School of economic doctrine prolonged Adam Smith's influence into the late nineteenth century. Liberals would say: let the state abstain from interference in business; capital will then be saved and invested according to the individual's best judgment, guided by the principle of maximum profit; abolish the guilds, and let labor freely contract with capitalists. Freedom was exalted, in the hope that profit would filter through to all classes. Much of this Manchesterism has perforce been outgrown by the Liberals. They have seen with everyone else that too much freedom from state control may leave the weak to be exploited by the strong. They are now perhaps as interested as any party in developing social justice by state activity, as regards housing, agricultural reorganization, and the control of public utilities. The tradition of freedom has suggested to the Liberals a criticism of the privileges of the Church of England, and Gladstone was long able to rely upon the steady support of the "Non-

Conformist conscience"; it was the Liberals in the first few years of the twentieth century who strove to enhance the opportunities of "free education," limiting or abolishing the privileged position of the Anglican Church with regard to the people's schools.

Labour's tenets. Regarding the Labour party, something has already been said of its general purpose. It goes back only one generation. Its origin therefore is more open to analysis in the light of current documents. It is more free from tradition; it cannot count on a mystical sense of loyalty that comes down from father to son. It may be traced to three quite distinct sources, as to doctrine and personnel. (I) There has always been a minute core of Marxian socialism: the Social Democratic Federation since the early eighties. There was also the somewhat kindred Independent Labour Party since the early nineties. This socialist movement was doctrinaire, and internationalist in its connections. But it has never made a large appeal and is the property of a small knot of intellectuals, rather than a mass movement. (II) The great numbers have come to Labour from the trade unionist groups and coöperative societies. These bodies run to the millions in the aggregate; therefore, on extremely small individual contributions or assessments they can provide large funds for fighting elections and sending trade-union organizers and secretaries to Parliament. The great bulk of this aggregation of people are not socialists in any sense; they want higher wages, shorter hours, legislative and administrative regulation of industrial practices, legal compulsion of manufacturers to provide decent working conditions. (III) The I.L.P. might provide the party with fervor, the trade unions with numbers and campaign funds, but the ideas have come from the Fabian Society. This is a small group of highly intelligent pamphleteers, English to the core (not internationalist Marxists), not limited to the narrow horizon of the trade unions and consumer co-operatives. Since 1881 individual writers, e.g., Bernard Shaw and Sidney and Beatrice Webb, by scholarly histories and clever persuasive *Fabian Tracts*, have been instructing the reading public as to the low condition of social England, what it needs for salvation, and what can be done by governmental action. They

look forward to the coöperative commonwealth based upon service rather than profit, but they are too acutely aware of political possibilities to allow themselves to waste political strength on so un-English a thing as doctrinaire socialism. They show in plain terms, with telling propagandist effect, how shillings and pence can be saved to the consumer by municipal ownership that is scientifically controlled and conscientiously administered. Using Fabian tactics, they never attack the enemy straight on, but rather strive to capture his stragglers and cut off his supplies until he is worn out; that is to say, they teach practical Englishmen how they may profitably socialize or municipalize this, that or the other service that is ripe for such treatment—and they have been extraordinarily successful. For as their historical training informed them, they were working with, not against, the stars in their courses.

“Labour by hand or brain.” These three types of persons interested variously in social advance have not found it easy to work together. For a long time there was only a federation of certain societies, which with various motives and methods were interested in parliamentary representation for the achievement of labor and social-reform legislation. In 1917, however, a great change was made: a new program of high-toned social appeal was drafted, and men and women who “labour by hand or brain” were invited to come as individuals into an all-comprehensive Labour party. Their internationalist aims were such as to make them welcome the ideals of Wilson’s fourteen points, and they have ever since been the English party that is most enthusiastic in support of the Geneva system and spirit. Their first prime minister, MacDonald, in 1924, went himself to the League Assembly as foreign secretary, and the precedent has been followed by foreign secretaries of the other parties as well. Labour’s internal policy on all possible matters is determined by their ideal of social reform, the substitution of the service for the profit motive, the building of the coöperative commonwealth. Being English, however, the party as a whole (troubled in its unity by a vociferous left wing) is not revolutionary, but gradualist. Hence it is an object of scorn to communists.

Swing of pendulum. One factor of the party situation which has been much dwelt on by commentators easily tempts to exaggeration—the so-called “swing of the pendulum.” A party comes into power with large election promises and high hopes. As these prove incapable of quick and entire realization confidence sags, and in time the other party comes in with equally exaggerated hopes, doomed to disillusionment. The two-sidedness of politics upon which we have dwelt, does indeed tend to produce an alternation in power of two rival teams, under normal circumstances. It has even been noted that there are two swings of the pendulum, a short-scale swing whereby innings succeed each other every three or four years; and a long-scale swing, whereby during a period of thirty or forty years one party is generally in power, but is compelled to spend fairly frequent short periods in opposition. This is exemplified in the long Whig rule which occupied the middle of the eighteenth century, the long Conservative rule occupying the first third of the nineteenth century, etc. This picture of an oscillation on the grand scale is perhaps too ingenious to be wholly true. More likely these long-time movements point rather to epochs of deep political change, marked by splits of old parties and new alignments on a new broad basis. The short term swing of the pendulum can hardly be denied, though the oscillation may be suffering a diminution of regularity, as new and unpredictable forces come into operation.

Opposition loyal. We should note an exception of large importance to the general principle that has been laid down, that it is always the business of the opposition to oppose, that the Outs can score only by put-outs. It must be remembered that it is normally an Opposition which prides itself on being as loyal to the king as is the Government. Much legislation which would seem to be material for party conflict is regularly passed as “unopposed.” The opposition proclaims its attitude by insisting upon amendments, which the government finds it expedient to accept. This is partly due to the fact that the leaders of both parties have always belonged to *one* ruling class, knit together by ties of family and university relationship and by personal ideals shared in common regarding the requirements of good government. The “front benches” sometimes seem to be engaged

in a practice of collusion: the back benches of both parties are troubled: the extremists of the two parties are far apart. But all responsible statesmen are agreed that "the king's government must go on," in technical matters they are always under the guidance of one body of civil servants, in fundamentals of policy there must inevitably be much agreement. This is primarily true of such delicate matters as finance, but it has far-reaching applications also regarding those changes in the law which general public opinion demands. There are also new devices in administration which one party may have been compelled by circumstances to invent, but which the other party when in power is compelled by those same circumstances to continue in use and to improve.

Americans need not be told that parties are not only what Burke suggested they should be in ideal, but also tend irresistibly to become machines, under oligarchic or even autocratic control. They are fighting mechanisms for winning elections, as well as organs of parliamentary life. One principle has already been much dwelt upon, the ascertainment of leadership and the compulsion of discipline in Parliament. For election purposes, however, the main principle is propaganda and the closely allied matter of wooing the voter and shepherding him in his obedience and dependence upon the party.

The political machine. The principle of leadership and party cohesion, with its main figures, the leader and the whip, had been evolved in the eighteenth century. Propaganda and the organization of the electorate is an aspect of party life which has become important only in the period since the second great reform act of 1867. If the voters must be dealt with in millions rather than thousands new methods were obviously required. The Conservatives, basing their scheme of life upon social precedence of the upper class over the rank and file, were better off to begin with, and retain that advantage so far as it goes. The Liberals, professing to appeal to the reason of the individual and coming nearer to a wholehearted acceptance of human equality, were compelled to take a great new step. Beginning in Birmingham in the late 60's, a movement spread throughout the Liberal party, whereby voters were regimented, with what were supposed

to be representative institutions, within the party. What was called the "caucus" (meaning a political machine) was introduced under the leadership of Joseph Chamberlain, the Birmingham "boss." It had a curious cause, or occasion. By the Act of 1867 in a few instances an experiment was tried in minority representation: three members were to be elected by the one constituency, every voter being limited to two votes. The result of this "limited vote" was designed to be the election of only two of one party and surely one of the other. But the Birmingham constituency, so far as the Liberals were concerned, was carefully organized by local leaders into blocks of voters who were instructed, "vote as you are told." This had the immediate purpose of enabling the dominant Liberal party so to distribute its vote among *three* candidates that just enough voters would vote for Liberal A and Liberal B, just enough for Liberal A and Liberal C, just enough for Liberal B and Liberal C, with absolutely no Liberal votes cast beyond the required quotas and thus wasted. A net result was secured which utterly thwarted the expectation of the framers of the law. Liberals A, B, and C, were all elected and no Conservatives. The Liberals, by a close organization and drilled regimentation, won more than their due share of representation; the individual freedom of the Conservative voters had spelled defeat.

National Federation. Furthermore the Liberals organized a national body, the National Liberal Federation, a body of representatives of the local Liberal regiments, which enabled the rank and file to exchange experience in organization, and, as was then hoped, to formulate the party's rank-and-file purpose and will as to leadership and program. The advantages of organization were quickly perceived by the other parties and successfully imitated, the Conservatives indeed leading in the invention of some devices, the Liberals immediately following suit.

Conflict between leadership and self-government. Many Englishmen regret this introduction on a great scale of the "caucus," which is disparagingly called an American innovation. Furthermore, its extra-parliamentary representative quality involved for the Liberal party itself a great embarrassment in 1892. This came in an unforeseen, undesired impairment of the

principle of leadership. If the representatives of the rank and file voters, out in the provinces, even in congress assembled, can compose a program for the party in Parliament, what becomes of the principle of *parliamentary* evolution of leaders and their legislative plans? The Newcastle program of 1891, for example, adopted by a Liberal congress of national scope, turned out to be an embarrassment to the Liberal party when its leaders were attempting to govern in 1892. It contained insistent demands that could not be immediately achieved, which needed to be flexibly dealt with, perhaps postponed or abandoned, according to the wisdom of the Liberal leaders in Parliament. It put them under pressure by the rank-and-file, which produced only ineffective strain and was resented by the responsible ministers of the party. As between extra-parliamentary and intra-parliamentary party bodies, the contest has been subsequently resolved (and this is generally true of both the older parties) by the restoration of parliamentary leadership, the suppression of rank-and-file dictation. The organization of voters, with their local representative bodies, and their periodical national congresses, has been retained, but it is largely a sham. The party does not direct itself; it is directed by its parliamentary leaders. The annual congresses are not occasions for the party to use in finding its will by comparison of views among the representatives of the rank-and-file. The congress is a "ratification meeting," a rally where the faithful can be indoctrinated and instructed and inspired by the leaders; but these leaders have been found by parliamentary experience, and the doctrine consists of points upon which *they* find it politically expedient to insist. In the Labour party, it is true, there is a considerable degree of control exercised by the annual conference, whose decisions are supposed to bind the parliamentary Labour group. The party is intimately associated with the trade-union movement, and the larger strategy is directed by a joint council, consisting of representatives of the Labour party, of the Trade-Union Congress, and of the parliamentary Labour group.

Party fighting agency always active. Each party has a central office, with a principal agent at London. These officers are in intimate touch with the parliamentary leaders of the party

from whom they get their cue. Each constituency has its local chief who is instructed from the central office and furnished with methods for organizing the faithful within the constituency, perhaps also with funds. The organization, central and local, does not alternate between periods of hectic activity and torpor, to so great a degree as in countries where the time of elections is determined by the calendar. A parliamentary election may take place at any moment; hence the fighting machine must always have its steam up. Except in "unopposed constituencies," which are so obviously safe for one party that the other parties will not waste men and money on them, each party has available one candidate per district, with auxiliary organizations ready to fight for him. Each candidate is likely to be constantly "nursing the constituency," by generous gifts, by encouraging and enlightening speeches. If the "sitting member" desires to return again, as is normal, he has the presumptive claim to the nomination. In the contrary case, and of course in the other parties, a candidate is found, not by a primary election by the rank-and-file, but by an informal process of suggestion. A local aspirant is under no disparagement, but he has no special advantage. If the local managers have no person in mind whose popularity and generosity makes him acceptable, they communicate with the Central Office. An aspirant, perhaps from London, is suggested by the Central Office and sent down to the constituency. This recommendation is the more cordially received by the local party managers since the latter are not only neutral among personal aspirants, but mainly desirous of coöperating with the Central Office, which has access to Central Party campaign funds, for supplementing the candidate's own purse.

Leader, whip, agent. Over all this machinery the party leader presides, relying intimately upon the advice of the chief whip who functions in Parliament, and the principal agent who functions as campaign manager in the country in general. The individual aspirant, desiring first candidacy and then election, is naturally very much inclined to conform to the opinion of these staff experts. He doubtless may have his own ideas. His individuality may be recognized by the whip and agent as constituting an addition to the party's strength. If as candidate or

as member he is tempted to insurgency, he may be disciplined. But a wise whip does not content himself with the accumulation of mere yes-men. It is his business not only to win elections but to recruit the party's leadership in the long run. Variance of ideas is embarrassing to the whip of the moment, but party leadership consists not only in dictating from the top but in maintaining close touch with the bulk of the party, foreseeing in what directions the party as a whole, in the long run, is willing to be led.

LAW AND COURTS

Common vs. Roman law. One of England's most valued contributions to America and the world is her system of law and judicial administration. Manifestly this is a highly intricate business which we can here survey only in its most superficial aspects. The so-called "common" law has been inherited by the commonwealths of the United States and by the English-speaking world in general. The countries of continental Europe on the other hand inherited the Roman law as codified by the Emperor Justinian in 529 A.D. and as adapted to modern uses by their respective legislatures. This differentiation between the English-speaking countries and the countries of Europe and those colonized by Europe, constitutes a topic of endless discussion and interest to lawyers. Into that discussion we cannot enter. What does concern us is to observe the method by which legal principles were originated and are now adapted to modern uses in England.

Common law found, not made. The English or "common" law consists by its own theory of the legal principles which have bound men's conduct from time immemorial. They were never made by a legislature, but *found* by the courts, the decision recorded in a "leading case." The great lawyer-administrator King Henry II systematized in the middle of the twelfth century a practice which he found in operation, of sending judges as his servants from shire to shire, to open jails and try the malefactors found therein, and to decide disputes of property or private rights between disputants who resorted to them. These royal judges, proceeding on circuit two by two, brought back to the

royal palace at Westminster not only the fines and feudal dues they had collected, but also the judicial business they had done during the year, to be revised for uniformity as to the legal principles applied. A case once decided became a precedent for the decision of later cases. By this process the "common" law was founded and is constantly being readapted and further developed to this day. The restless ingenuity of Henry II and his lawyer-statesmen provided new judicial devices and forms of writ-process which developed new legal rights. Later came Parliament. While for generations this body was mainly busy with financing the government and complaining of grievances in administration, it gradually developed a self-assured competence to alter the law which the judges had found and later, under the guidance of responsible ministers, to make new law. No point in the common law, however sanctified by antiquity, is immune from parliamentary amendment; but it must be realized that as Englishmen are tender of "vested interests," so is Parliament also; and the amount of new law, strictly so called, that is actually *made* is relatively slight.

Civil and criminal law. Regarding the content of the law, we may only stop to point out the broad distinction that is made between civil and criminal law. Civil law deals with the relations between man and man; criminal with the wrongful relations between a malefactor and the community at large. Both types of legal right, the claim of the subject versus the subject and that of the "king" versus the perpetrator of a crime, a misdemeanor, or a trifling offense—may be dealt with by the same judges. But the lawyer is concerned to know that diverse methods of procedure, and indeed special tribunals, have been developed for these two purposes; also that various other special courts have been developed for special types of legal question, as exemplified in the varieties of human experience suggested by the terms admiralty (events on the high seas) and probate (the formerly ecclesiastical but now secular task of regulating the succession to property as affected by the fact of death).

Courts systematized, 1873-1879. A great variety of independent courts had gradually come into being, unsystematized (after Henry II) and with conflicts of jurisdiction, i.e., gaps and

overlapping of the areas within which the several tribunals might authoritatively determine cases. But a series of acts of parliament in the course of the 1870's has reduced this confused mess to a relatively well-unified system. The resulting Supreme Court of Judicature at London now consists of one great High Court of Justice in several branches, with two Courts of Appeal, one civil, the other criminal, above it; and for some very limited purposes a court even above the Courts of Appeal, which is the House of Lords itself. It has already been remarked that this House of Lords is not, for practical purposes, the great mass of peers, but rather a group of seven technical experts appointed to the House for life for this one special purpose, reinforced by the lord chancellor and any other peers who have formerly been lord chancellors or lords chief justice.

King's Bench. The High Court of Justice mentioned in the previous paragraph is one body, but the immense variety and bulk of its business justifies its being organized in three divisions. The largest and most comprehensive in scope is now called the King's Bench Division, with over a dozen members. Its judges, holding court individually, can try cases brought originally or on appeal from the country in the matters of normal legal relations, whether civil or criminal, of the utmost variety. The Probate Divorce and Admiralty Division is held by two judges and deals with matters of inheritance, family relations, and the legal relations involved in facts which occur in no county of England but on the high seas. The last item (in time of war) includes the business of judging prize cases and enforcing the rules of international law that are involved in the capture of goods and ships.

Equity. The Equity Division, of six judges, presents the latest phase of a long and intricate story, which must be summarily sketched. From the very beginning of the process by which common law was evolved, the king retained, and his lord chancellor administered, a residue of judicial authority to fill the gaps and correct the errors (from the point of view of abstract justice) committed by the courts properly so called. At this period there was no law-making Parliament to correct the law's defects. From the very beginning the chancellor was theo-

retically bound only by his, that is, the king's, conscience; a rule of law was doing less than justice, and needed to be not supplanted (this was then hardly conceivable) but supplemented. A social situation which the courts (bound by the ancient common law) were unable to deal with was found to be a problem which could be solved by the ingenuity of the innovating chancellor, especially since the latter was until the sixteenth century invariably a high ecclesiastical officer, not unwilling to expand his spiritual jurisdiction and the church's social influence. As head of the king's chancery (secretariat office) he could also invent new government devices to deal with situations which embarrassed the rigidly conventional courts.

Fraud. The following may suggest certain types of utility in the chancellor's "equity," as it gradually came to be called. There was for one thing a mass of equity rules gathering around the concept of *fraud*. Suppose a deed of land had been fraudulently obtained. It was, being a sufficient document, binding on the courts of the common law. But the chancellor, using his own methods of inquisitorial interrogation and holding (as an ecclesiastic) the keys of heaven and hell, could ascertain the fact of fraud and compel the cancellation of the deed. Secondly, the chancellor, in his control over the issuance of the writs that bind the courts' procedures, could deeply affect the law by inventing a new writ. Such a one was the "injunction" which has attained fame and influence in our own legal life, has even become a matter of political criticism, since some hold that the injunction system lodges an unconscionable power in a judge to tie up an administrative or individual or group (e.g., striking laborers) activity which should be free. However that may be here and now, the injunction was anciently the means by which the chancellor could enjoin (forbid) conduct which in the view of his "good conscience" was inequitable, however legal it might be; he not only forbade such conduct but declared himself ready to punish the disobedient in his own discretion for their "contempt" of his authority. Thirdly, a legal holder of property could be required to conduct himself with respect to that property according to the requirements of conscience, as conscience might be interpreted and enforced by the chancellor. For ex-

ample, a man about to die might wish to give away a portion of his property in order to ensure his immortal soul's safety or alleviation from torment by an endless series of prayers, to be put up in his behalf by his beneficiaries. The church was forbidden by "dead hand" legislation (the *mortmain* statute of 1279) to become the recipient of such donors' gifts. The objects of charity could not be named, for a court's consideration; they were to be college scholars or anonymous subjects for poor relief, during generations to come. But all these questions together could be solved by an ingenious quasi-legal or equitable device known as the "trust" (or "use," as it was previously called). The donor gave his property to a friend or friends, who thus became legal owners, for the purposes of the courts. But under the watchful eye of the chancellor these trustees were compelled to utilize the proceeds of this gift (and their successors, as appointed from time to time) in behalf of the beneficiaries named by the donor, or described in the terms of his gift for application in an endless series of coming generations. This process, beginning in the Middle Ages and continuing down to the present, with our wide use of trusts, has developed manifestly an immense disturbance of rights such as are "legal" from the point of view of the courts; it has altered or supplanted these legal rights by "equitable" rights. It has developed a vast, intricate scheme of rights and obligations, which are to all intents and purposes legal, but with which the common-law courts are incompetent to deal; they remain under the special name of the chancellor's equity. All equitable rights and procedures are conducted by the chancellor and his subordinates, and this is now the business of the chancery division of the High Court.

Equity becomes law. The "king's conscience" was evidently a variable thing. And it once might be said in reproach that equity alters from time to time as does the "length of the chancellor's foot." Early settlements of dispute by the chancellor were considered to be for individual cases, elastic, not binding rules like those laid down by the judges in the evolution of the common law. But as rights became "vested" ("clothed" with sacredness) in chancery there was an obvious tendency toward

the loss of this elasticity. As generations passed, though there was some invention, most chancellors inherited and observed the rules and practices of their predecessors. This progressive realization of rigidity was finally crowned by the work of lord chancellor Eldon, a contemporary of John Marshall, our own Chief Justice of the first third of the nineteenth century. Eldon confessedly made equity as rigid as common law. In the systematizing acts of the 1870's these rules of equity were recognized as law; their contents, including rules and administrative devices, were absorbed into the law. Obvious convenience, however, required that such material (now legal) as had been developed by the chancellor should continue to be recognized and administered as a more or less unified body of material, and it is known as equity to this day.

Judicial committee. There remains one type of judicial business which has not yet been consolidated within the jurisdiction of the so-called Supreme Court of Judicature. This is owing to the still defective unification of British life. The appellate cases that came up rarely from the colonies, beginning in the seventeenth century, could hardly be fitted into the English judicial scheme. The king still retained in legal theory a residual judicial authority, which in this case he delegated to a judicial committee of his Privy Council. This body, with its appellate jurisdiction, still remains, but there is a strong tendency for the self-governing countries (Australia, etc.) to throw off this symbol of judicial supremacy in the empire. The jurisdiction remains however and is especially important in regard to the Crown colonies and India. This judicial committee remains still a body which gives "advice," so far as form is concerned; but its advice is to all intents and purposes the decree of a supreme appellate court. By the clever device of appointing to this Judicial Committee the same men who compose for judicial purposes the House of Lords, with an elastic possibility of reinforcement for colonial and Indian cases by the temporary addition of men technically qualified by their knowledge of Roman, Mohammedan, Hindu, and other laws, a further step has been made toward the unification of the judicial system of the whole empire.

No "judicial review." Leaving the appellate system, we must make one negative remark: there is no "judicial review" exercisable by these courts over the work of Parliament. Here is no "living voice of the constitution" like the American Supreme Court, competent to declare null the act of the legislature for want of due process of law provided, or for want of conformity with the terms of a written document. The last word regarding the constitution is spoken by Parliament, and this Parliament's dictum may be overridden by the next Parliament. The stability of the constitution depends not upon a document of supreme legality and a court's interpretation of that legality; it depends upon the will of English men voting at the polls.

Justice of the peace. Under the control of the just described Supreme Court of Judicature as to the content of the law, there is a considerable provision of inferior tribunals. These are partly the various modern outgrowths of the ancient institution of the "justice of the peace." Every shire has its scores of justices; they are not technically trained lawyers; they must content themselves with a relatively trifling jurisdiction. One justice is a committing magistrate, a "gentleman," who orders the apprehension of wrongdoers, to be held or bound over to the next sitting of a real court. Two justices together may hold a petty sessions with a slight jurisdictional power. Quarter sessions is theoretically the meeting, four times a year, of all the justices of a county, for trying the cases that may be presented to them. But much of the work that would seem to be within their jurisdiction is still done by individual royal judges traveling from and returning to Westminster. All such cases which are of considerable importance are carried up on appeal to the metropolis.

County court. There has also since 1846 been a system of so-called "county courts," though this term is a misnomer and they are not organized by or distributed to counties as such. They are really "country courts," a great number (55) of judges (paid £1500), who hold a petty jurisdiction, each in a series of small places which he visits periodically. They exist for the purpose of bringing justice cheaply to the small litigant instead of expecting him to carry his case to the expensive barristers practicing at the central courts in London.

Judges—appointment, pay, prestige. Regarding the method of recruiting the courts, it may be said in general that absolutely no use is made of the elective principle. All persons in judicial office, high or low, are appointed, mostly by the lord chancellor. The prime minister may participate in the selection of the highest, especially the chief justices of the divisions; the lord lieutenant of the shire exercises the trifling patronage involved in appointing the "gentlemen" who are to compose the county's commission of the peace. The higher judicial officers are selected on the basis not of popularity, but of proved capacity in the practice of law. The chancellor would not conceivably appoint to the high court of justice a person who had not come to be regarded as one of its leading practitioners. They are highly paid, from the ten-thousand pound salary of the lord chancellor down to the five-thousand pound salary of a justice of the High Court. These salaries are, like interest on the national debt, removed from the annual appropriation power of Parliament. Once appointed, the judge is sure of his position for life, with high salary and adequate pension provision for years of incapacity. One result is that judges, speaking generally, have high prestige and wield an unquestioned, almost tyrannical authority over juries, press, and especially the barristers practicing before them. The result is well known in the speed of English criminal trials, and judicial immunity from considerations of popularity. The English judge is narrowly concentrated upon his profession of the law. In his court he sits alone, without colleagues, supreme in the majesty of the law. Though the heavens may fall, the law must prevail. If the law does injustice the correction must be by Parliament, not by the judges' interpretation for lenity; even the jury is held strictly in hand by the judge, as an instrumentality for ascertaining fact. If a jury goes beyond its function and tries to "do justice" the judge will browbeat or ruthlessly dismiss them. In fact the petty jury is seldom used now in civil cases, and the "grand jury" was practically abolished by Parliament in 1933. Barristers are likewise held under the judge's tight rein, without any fear of unpopularity to be lost or favor to be won on his side.

Barristers and attorneys. It may be appropriate to add that the English legal profession is sharply divided into two classes, whose functions are clearly separated, not merged as with us. The barristers alone may plead cases in the courts; they are the priests of the profession, assisting the judges in their development of the law. Solicitors or attorneys are the men who have direct dealings with clients, advising them in their legal relations, so as to avoid litigation. If a case must be tried in court, the attorney makes all preparations, provides a brief for the use of the barrister whom he selects, and then—stops outside the bar of the court. The barristers are the aristocrats of the profession, win the high fees for pleading cases, or starve because attorneys do not “brief” them. From among the barristers alone all judges are chosen.

LOCAL GOVERNMENT

Continuity with past. Local government is a notable instance of the English constitutional habit of mingling the modern with the ancient, building upon the familiar, but altering it, if necessary radically, just so far as is required by the changing needs of society. The result is a system which is not capable of quick description on the basis of a single central principle, but one which retains the advantage of vital continuity with the distant past, yet has shown remarkable flexibility for adaptation to nineteenth and twentieth century needs. This is especially notable in view of the remarkable changes which English local social life has undergone as the result of the industrial revolution, the nineteenth century moving of the population on a grand scale from south to north, and the twentieth century migration from country to city. For no large country in the world has experienced the urban movement to so great a degree as England.

Shires and parishes. The area of England, from the beginning down to the twentieth century, has been divided into some fifty counties or “shires,” which remind men, even in their names (*Sussex*, the South Saxon; *Norfolk*, the North folk of the Angles), of the original kingdoms of Germanic invaders that had gradually coalesced into the one kingdom of England. These shires were supposed to be ruled, even until very recent times, by their country gentlemen, the knights or squires who were at the same

time well-to-do landlords and leading citizens, two of them for each shire being also elected to the House of Commons. These country gentlemen were appointed as justices to the commission of the peace and as a body were supposed to assemble four times a year in "quarter sessions," to do the judicial business of the county, and incidentally to order the administration of acts of Parliament within their shires. The counties were divided into a great number of *parishes*, an average of two hundred to each, the parish being the community of people who met in the parish church and whose "vestrymen" were able to agree on the petty governmental matters that concerned the locality.

Boroughs. As a third unit we find *boroughs* scattered here and there over the land, wherever the ancient necessity of defense or the convenience of modern economic life brought people together in thickly settled communities. These boroughs became what we now call municipal corporations, with a community name and fund, and the right to sue and be sued in that name. They were scattered very unevenly over the country; a borough appeared wherever a local community won from the king the right to send two members to Parliament. The corporate privilege was capriciously granted to the towns that were friendly to the king's interest, but was retained even after the population might in some instances have dwindled away or fallen completely under a single rich man's sway. These "rotten" or "pocket" boroughs became a serious problem of the nation's politics, which required to be drastically dealt with, as has been seen in the treatment of representation in Parliament. What we are here concerned to note is that the borough membership or "freemanship," like a share of stock, had come to be regarded as a matter not especially of public political interest, but as a sort of private property that could be inherited and sold; and that by 1832 the borough had become utterly unsuitable as an agency for dealing with the problems of local government. Yet these problems were rapidly developing as the result of the nineteenth century advance in social science and the resulting parliamentary legislation. The history of the last hundred years in this connection is the story of the complete reformation of the borough by the Act of 1835, and of the subsequent adoption

of the borough type of government as a model upon which the county could be reformed in 1888, and the parish (with another new type, the district) in 1894. The great and utterly unique metropolis of London was likewise provided with borough-like institutions, as a whole in 1888, and in its constituent parts (newly called metropolitan boroughs) in 1899. All these successive advances were made under parliamentary legislation, which was based, step by step, on the experience gathered in Whitehall by administrative officials, as they came into contact with local areas while performing their function of inspection and supervision of poor-law administration, public health, public utilities, education, and—in and through all—local finance.

Borough system of 1835. The borough as a type of local government was subjected to searching examination by a Royal Commission in 1834, shortly after the passage of the epoch-making Reform Act regarding parliamentary representation. On the basis of this commission's report a complete new system was framed and set in operation. The central feature of the scheme is a democratically representative council, which has all the borough's powers gathered into its own hands. There is not a suggestion or pretense of the "separation of powers." The council is elected by a broad suffrage, which now includes women as well as men. But the suffrage is not quite so wide as that for Parliament, since it excludes recipients of poor relief, servants, and members of families who do not maintain independent households. The members of the council are elected for a term of three years, one-third every year. In the larger boroughs the whole area is divided into three-member wards, each of which elects one member each year, with terms over-lapping. The practice of reëlection is widespread, but by no means universal. There are in some cases special names for local parties, nevertheless it is broadly true that the council elections are contested on national party lines. But a powerful tradition of public spirit, and the absence of salaries for council members, tend to diminish narrow partisanship and to eliminate the lower type of money-seeking politician. Nor is council service likely to lead to the House of Commons. The tendency, then, is for men and women to run for election and serve in the council mainly for the sake

of the public good. Private gain would be hard to find in this connection, as the close scrutiny of national inspecting officers tends to enforce a strong tradition of purity, so that municipal graft hardly enters into the problem. The greater danger is private indifference, which leads seventy per cent or more to abstain from voting in local elections.

Aldermen. A special feature of the council is the group called aldermen. These number one-fourth of the body. For example, if the body elected by the people consists of twenty-four men, an extra eight are added to their number. These eight are elected by the council, not the voters, and they are in office for six years instead of three. The aldermen are usually men who have seen service in the council by triennial election and have earned public esteem by such service. They are picked by the council from its own numbers, by promotion, or from any other source it may choose. In fact, a councilman who has failed of reelection by the people, if the council as a whole values his services (unpopular perhaps for creditable reasons, in the eyes of the responsible bearers of power), may be reelected as an alderman by the council instead. He thus gets a six instead of a three year term. The position is honorable. The aldermen are approved municipal statesmen, who are expected to give unpaid, disinterested administrative service, regardless of party politics. The tendency is to continue reelecting them as long as they are willing to serve. The council is unicameral; the aldermen are simply seniors in dignity as well as probably in years; they also give continuity of administration. The voters still have opportunity to give as democratic an impulse as is desired, in the election of the ordinary three year councilors. Naturally, however, the most conspicuous and influential positions in the council's whole operation are held by the aldermen.

Mayor. The mayor is one who is elected by the council for a term of one year. He has no powers separate from those of the council, he is not a check upon their action. He is the most conspicuous person of the borough during his term of office, but hardly more than that. It is he who shakes the hand of distinguished visitors and heads each list of charitable contributions. He receives no salary. He may receive from the public

funds a reimbursement of his expenses of entertainment, but this is not universal, and much depends upon his own taste and wealth. If royalty visits his borough, or his service is otherwise conspicuous, he may receive the honor of knighthood, if he does not possess it already. It is sometimes said that a wealthy peer in the neighborhood makes an ideal mayor. He is sure to be equal to the demands on his dignity and his purse, and he may for the sake of the municipal honor be willing to pay heavily in trouble and time. But the mayor, while he may chance to become a social force, like Joseph Chamberlain in the Birmingham of the sixties, normally has absolutely none of the political or administrative power of an American mayor or manager or a German burgomaster.

Committees. The council alone bears the responsibility of the borough's politics and administration. There is nothing to prevent the borough from having political views and expressing them, but it is not customary. It is sufficiently occupied with the problems of its own finance and administration. The council divides itself into committees, each of which within its own field plays the role of a minister in parliament; that is, an amateur in responsible control. There are committees on finance, public works, schools, police, and a great variety of other matters, such as the municipal tramway or waterworks or other utility—for English boroughs have gone in for public ownership and operation on a great scale, and with conspicuous success, generally speaking. Each committee is likely to have one or two aldermen, one of whom is the chairman, and a number of ordinary councilmen; according to convenience it may divide itself into sub-committees. The members are usually reappointed, and by continuous service acquire special competence in their several fields. They greatly strengthen themselves by "coöpting" outsiders, who may bring special types of expertness, or tap reserves of public spirit in men who have found vote-seeking repugnant. The work of the several committees is not coöordinated by any general manager or superintendent, but only by the council as a whole, which uses the special assistance of its finance committee, an assemblage for budget-making purposes of the chairmen of the various spending administrations.

Much of the council's work consists merely of its ratifying the work of its committees, somewhat after the manner of our own House of Representatives. The committeemen, however, are all laymen in administration (what Finer calls "casual labor") and depend constantly on their permanent civil servants, of whom the town clerk is chief, an indispensable repository of local lore, administrative and especially legal. The local civil service is not all that it ought to be, in the view of idealists; yet as contrasted with the American spoils system, it is on the whole fair to say that the British public servants render service with professional competence, that they stay out of politics, and are ready to serve with loyalty whatever councilmen the electorate may set over them. Indeed the relation of committeemen and civil servants, in the higher brackets at least, is very similar to that of ministers and permanent civil servants in the national government. A municipal engineer or school expert has nothing to fear from a political change in the composition of the council. A new committee is seldom appointed, but the personnel may undergo a shift of emphasis; the new tendency in the committee will then be reflected in the action of the permanent experts. The latter give their advice when requested, they are greatly influential on the policy the committee will adopt; but it is not beneath their dignity to remain in office even when they must change their policy as required by their master, the committee.

Borough powers. The powers of the council are those that have been granted to the borough by Parliament, through special act or provisional order. Some are compulsory and expensive, being those that the national legislature regards as necessary for local peace and order, though they may require constant expenditure and no revenue, such as police and sanitary sewers. Some are profitable, consisting in the municipal conduct of public utilities such as with us are still largely exploited by private hands for the sake of the profit that may be secured; for example, provision of light, fuel, power, and transportation. An individual borough makes application and receives powers from Parliament according to the latter's judgment of the borough's record for efficiency and public spirit. One borough may get new powers in the direction of municipal socialism because it

has already shown that it has the will and capacity to use those powers that had previously been granted. Another borough in an apparently similar situation may find its request for powers refused because of its inferior record. As to the extent to which a borough may borrow money, there is none of the practice common in America, of limiting borrowing powers according to some scale mathematically proportioned to the borough's property listed for taxation. If a borough has a good record, it may bond itself to a very great height, because, in the view of the inspector of the appropriate central government department, the prospect is that the borough will profit instead of losing by the borrowing of this money for the conduct of this particular enterprise. It is expected that the service will be rendered satisfactorily to the public, and that in the long run the tax-payer will be relieved rather than burdened. Under the stimulus of the Fabian socialists, showing how pounds, shillings, and pence may be saved on such matters as the supply of water and electricity and street transportation, the practice tends toward universality; municipalization of public utilities has gone very far in some boroughs. But it is not at all uniform or systematic, nor has anyone thought it necessary or advisable to urge a comprehensive scheme of municipal socialism on a national compulsory scale.

County reform. It was the Whig party which enacted (1835) the municipal reform, which enabled boroughs to start upon their extraordinary career, by which what had been the lowest and most despised became the most admired type form of local government. After some fifty years of this experience, the Conservative party enacted in 1888 measures extending similar organization to other forms of local government. The counties were transformed to approach the borough type, so far as their circumstances allowed. While hitherto their administration had been in the hands of the justices of the peace, a numerous and highly miscellaneous aggregation of country gentlemen, essentially aristocratic in temper, but without unity of organization, the county was now provided with a council based on a broad suffrage, and an administration dependent upon the council. On the model of the borough there was the same apparatus of aldermen, committees, permanent civil servants, gratuitous service,

without "separation of powers." These counties are often but not always precisely the same as the historic counties which come down from eight centuries of the past. The latter still retain slight vestiges of their traditional significance in that they are nominally headed by a lord lieutenant, and in their use as an area of judicial administration. The "administrative" counties of 1888 are better suited to modern uses, in respect of boundaries and of financial powers. They now number sixty-two.

County boroughs. It may be noted that since 1888 the larger, more competent boroughs are given a special status as "county boroughs"; there are eighty-three of them. This name signifies that they are both boroughs and counties; that is, they have borough powers and they have the powers of counties as well; they are separated and set free administratively from the counties in which they are topographically situated. Boroughs which are not "county boroughs" (called "municipal" or "non-county" boroughs) remain for some purposes subject to the administrative supervision of the counties in which they are situated and to which they still belong. A further distinction may be noted as to name. Those cathedral towns which are at the center of the area ruled by a bishop in the "established" Church, and some few others to which this special dignity has been granted, are called "cities." The word carries no connotation of size or special type of organization, it only refers to a borough that has extra dignity. In fact the ordinary English appellation for a large body of people in an urban center is not "city" but "town."

London County. In the same year (1888) in which administrative counties were reformed, the vast aggregation of people constituting the metropolis was by act of Parliament given at last some degree of unified organization; it was designated as the Administrative County of London. It includes two cities (London and Westminster), certain boroughs and sanitary districts, many parishes and other miscellaneous agencies of local government. To this metropolis was granted nearly the same type of organization as had been given to counties in general, but with due regard for the preëxisting local units—and indeed for post-created units as well; for it was not until 1899 that

Parliament belatedly got around to systematizing, in twenty-six "metropolitan boroughs," the mass of local administration that goes on below the county but not under its direct administration. The London county is in some respects apparently a federation of over two dozen boroughs, but the paradoxical fact is that the federation (1888) antedated by eleven years the recognized existence of the things federated, the London municipal boroughs (1899).

London City. The unique position of London as a metropolis, its population, wealth, poverty, and problems, made the new London county council an object of wide interest. Scientists and peers of the realm, as well as all sorts of other people, sought election to the council, and its chairman in earliest days was the very man who as Lord Rosebery was soon to become prime minister, on Gladstone's retirement in 1894. The powers granted to this county became a matter of national concern and debate. It was allowed to borrow money on a stupendous scale for the performance of administrative functions such as a national metropolis requires: slum clearance, the provision of great new thoroughfares, metropolitan transportation and public utilities; yet it was frequently hampered and thwarted by the minor units, with their jealousy for prestige, their fear of higher taxation, and general uncoöperativeness of spirit. The tiny City of London, one mile square around the Bank of England, was left with its elaborate provision of "courts" (common council, aldermen, and common hall), together with its Fishmongers and other Livery Companies, and its lord mayor, with his famous "diners" and still more famous "show." These bodies function with elaborate ceremonial and show of dignity; the City, like the Wall Street district, has immense wealth and an infinitesimally small permanent or night population. But as a whole the government of the City of London may be left out of account or regarded as an amusing museum piece, rather than as a matter of governmental interest.

Greater London. Even by the legislation of 1888 the considerable area of Greater London was not systematized completely. The centrifugal movement of population in most recent years is having the extraordinary result that while the popula-

tion of the region as a whole grows fabulously, this growth is mostly in the territory immediately outside of the county; the county itself is actually shrinking! For the extremely important functions of police and water supply, two separate areas have been constituted *ad hoc*, to use the English Latin for the provision of a special agency for a special function. Each of these Londons is of over 700 square miles area, with seven and a half million inhabitants, in contrast with the 118 square miles of London county. Each is organized for its special purpose under national auspices appropriate to the purpose, with no sign of representative government, or autonomy. Another London of approximately the same size was added to the list in 1933, in which a board administers public transportation, at last unified and consolidated.

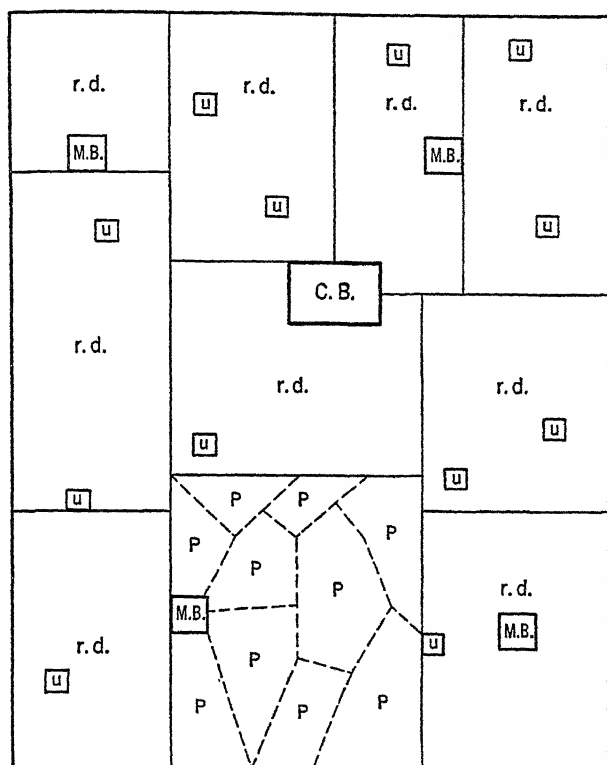
The legislation of 1888 had been achieved under the auspices of the Conservatives. The next step in local organization was taken by the other party, the Liberals, in 1894. The ancient institution of the parish has already been mentioned. This had sprung up in the preceding ten centuries or more as a minute, ultimate unit of local government; the men whose families attended a parish church united under their elected vestrymen to administer some few intimately local functions. This unit was universal all over England, but it was universally moribund. The Act of 1894 made an attempt to revive it to usefulness, especially in the rural regions. The parishes, so far as their population and resources warranted it, were given the type of elective council government which had now become familiar in borough (1835) and county (1888).

Poor Law Unions. Another achievement of the legislation of 1894 was the creation of the "district." This unit was the net result of a century of experimentation. Toward the end of the eighteenth century the problem of the care of the poor had been experimentally solved by the organization, widespread, but more sporadic than systematic, of Poor Law Unions. Long before the organization of the borough, for the one function of poor relief a representative and federal body was introduced. A number of parishes might if they chose unify themselves for this one purpose (*ad hoc*), by electing each its parish representative

to a federal body called the board of guardians. This board might make provision for poor relief by unified measures, more effective because on a larger scale than was possible for the individual parish. A work-house or stone-pile might be provided, with more decent provision for those whose welfare required supervision but whose manual labor might be made useful. Money or a supply of goods might be distributed to those who were deemed fit to receive it, on a scale and subject to scientific criteria more suitable than the anarchic, sentimental yet harsh, mutually competitive "relieving," as this had been done by the parishes individually and alone. This "union" was the seed from which grew a plentiful harvest of federal and *ad hoc* bodies throughout the nineteenth century. As mechanical invention proceeded, producing new social interests, and a more comprehensive social consciousness (and tender conscience) regarding needs which could not be met on the parish scale, new tribunals or agencies sprang up, local in scale but sometimes federal as well, as Parliament gave permission. The growth was anything but systematic or comprehensive. Toward the end of the nineteenth century a single parish might find its parishioners members of a large number of different combinations of parishes, according to local circumstances. One was for the maintenance of a public bath or wash-house, another for the water supply or drainage, another for a public library, etc. The individual citizen was voting for representatives to a half dozen or score of boards, and paying "rates" (local taxes) to a half dozen or score of collectors. The resulting administrative situation, if not chaotic, was annoying and expensive, and in the highest degree inefficient. The overlapping was obvious, but the gaps were just as serious.

Districts. The Act of 1894 took a long step toward the reduction of this mess to order. Under the supervision of county authorities, districts were to be organized (there had been sanitary "districts" since 1872), each one of which should comprehensively and systematically perform the many and various local functions which had sporadically grown up, each with its separate local government. The result is that there are now urban districts and rural districts, which come between the county and

the parish, overseeing the parishes and overseen by the counties. If the district is relatively slight in point of intensity of organization, because of the relatively rustic character of the popula-



An average county contains five boroughs, of which four are municipal boroughs (M.B.) and one is a County Borough (C.B.). There are also twelve urban districts (u), which may grow to become boroughs. The county is divided into ten rural districts (r.d.), and they into parishes, of which there are about 200. For avoidance of confusion, only one rural district is shown divided into parishes.

tion and the simplicity of its problems, we have a rural district. It may grow in urban quality; its functions will then be enlarged and elaborated, and the time may come for its transfer to a higher order, the urban district. Let the process of urbanization go on further, and the time may come for the local area

to graduate into the still higher, more elaborate (and expensive) class: it becomes incorporated as a borough, perhaps even as a county borough.

Adoptive acts. All this multifarious growth of local institutions is a matter of national interest. The legal steps in this growth could only be consented to by Parliament (a function now partly devolved upon the county council, as regards parishes and districts), sometimes in the form of private acts, sometimes in the form of general acts imposing upon the whole country rules which have resulted from local experience, centrally observed and digested. Parliament may pass an "adoptive" act; the experience gained in progressive boroughs and counties may be brought together in a model scheme which is ready for any other borough or county which chooses to adopt it by the vote of its council. The nation's social conscience may even proceed to the point of imposing such function compulsorily upon all boroughs and counties. Obvious examples are sewerage and primary education.

Supervision of administration. But legislation is only the beginning. Whitehall is even more concerned with local government than is Westminster. But it would be too un-English to provide systematized, unified oversight of local administration. Centralizing, unifying France may provide one ministry "of the Interior," and be widely imitated in so doing. In England there are a half-dozen central government ministries, each of which has more or less far-reaching oversight and control of local units. There is the board of trade which oversees public utilities; the ministry of health which has concern not only with the matters suggested by its name, but with poor relief and a wide variety of other matters as well. There is the home secretary, concerned with correctional institutions, etc. This general statement may be made out of the midst of a confusing mass of disconnected lore: the central government stimulates and assists, but leaves the responsibility, for the most part, to the local communities—county, borough, district, and parish. Administrative experience can be reported and then usefully concentrated in one place, the ministry's offices at Whitehall. Reduced to administrative science, it is available to the applicant who writes or comes up

from the provinces to inquire. Administrative authority on the other hand, the English feel, should be widely distributed, exercised by elected persons in and through whom the people of England realize what they are spending for and how much it costs. This suggests, however, that, taken together with a requirement of initiative that is locally exercised, the supervision of accounts and inspection of results by central agencies provide a combination of functions, that is naturally coördinated and can be highly useful to the people. This is in close accordance with the experience of the best American state administrations, and it has gone far in England.

Grants-in-aid. There is another way in which the central government speaks financially, in stimulating fashion, to local communities, which may be inert and unaware of their opportunities. This is the grant-in-aid, a system which Americans have borrowed from the English, and developed with increasing rapidity and spread during the last decade. The home secretary or the board of education offers a local unit a fair business proposition: your prison or your educational administration is for you to carry on according to your ideas of the elaborateness which you appreciate and can afford; if, however, you will maintain a certain reasonably attainable standard of excellence the national government will pay half the bill, in recognition of the two-fold fact that this is a nationally important function and yet the ability of local units to find and spend public money is not at all commensurate with their social need. Applied on a great scale, this system tends toward equalizing the financial pressure, as among sections of England, and distributing social service where it is needed. The central government department sends out inspectors who travel far and wide for the purpose of seeing that reasonable standards of efficiency are maintained. The inspector can stimulate higher efficiency by a tactful suggestion to local administrators, out of Whitehall's centrally digested knowledge of the nation's local experience. This suggestion is free, it is highly appreciated as valuable, and it has the immense leverage that comes from the fact that the local committeeman in charge of administration knows perfectly well

that if such suggestion is ignored the tax-payers may get doubled bills, and in that case he will hear from them.

Closely connected with these grants-in-aid is the recent development of Exchequer Grants. In this system the central government "de-rates," that is, largely relieves of local taxation large bodies of property such as mines, workshops and docks, and then makes donations of money to local units to enable them to fulfill their functions without resorting to high, competitive, and destructive local taxation of such productive capital.

Bureaucracy. There is much complaint in modern England of a dangerous tendency to the extension of "bureaucracy." Lord Hewart, Chief Justice of England, recently published a smashing attack, in a book entitled *The New Despotism*, upon a growing practice whereby Parliament extends what he regards as excessive authority to administrative officers, who are endowed with power to make detailed rules that Parliament never sees, and to make final administrative decisions, affecting private rights, that the courts may not review.

These bureaucrats are no doubt omnipresent; there is a tendency to make them omniscient, though they cannot be omniscient. But the judicious are aware also that Parliament is utterly incapable of making all the detailed law that is required by modern civilized life, and that the bureaucrat is often rendering a highly valuable service. The impartial observer notes, furthermore, that this bureaucrat is twice limited; he is responsible to a minister who is under some (perhaps haphazard and certainly inadequate) control by parliamentary "question"; and, so far as local government is concerned, his functions are exercised by way of confidential advice and financial assistance rather than, as in some foreign bureaucratic governments, by the unanswerable compulsion of a distant and inscrutable master.

SCOTLAND

Composite England. Our concern with things British thus far has been confined to the mother country. Perhaps one should say rather to the combination of England, Wales, and Scotland, which taken together comprise the larger of the two

islands and are comprehensively called Great Britain. It should be observed, however, that this is a development that required a considerable duration of time. What we ordinarily call England was the result of centuries of closer and closer aggregation among native Celts and invading Saxons, Angles, Jutes, and Danes—all finally coerced into union by the conquering Norman and the organizing Angevin (William I, 1066-1087, and Henry II, 1154-1189 respectively). This "England" had racial unity to no higher degree, perhaps, than have many other elements of Europe's population; but the happy accident of their being all resident on a clearly, obviously restricted territory with insular boundaries helped "the English" *early* to acquire a vivid consciousness of unity, and consequently a potentiality of constitutional progress toward self-government.

By the end of the thirteenth century these English had also established such preponderance over the aborigines dwelling in the mountains of the far west that Wales, notwithstanding the possession of a distinctive language and customs of her own, was conquered and brought into England, and for all practical political purposes made a part of England. For the last seven hundred years the word England, in legislation and administration, has included Wales as well.

Scotland. The north of the island constituted another problem. Distance, numbers, inaccessibility, conspired to make the Scots a hard nut for the English to crack. Especially there was a strong sense of Scottish nationality, fostered by folklore, community of blood and economic life, and there followed generations of political and military struggle for independence, as against the encroaching power of the English. During many decades of modern history Scots looked for friendship and inspiration to France and the continent rather than to their neighbors in the south of Britain. To this fact is owing the surprising phenomenon that Scottish local government, law, and church are still different from those of England; also that the law still preserves elements of affinity to the continental Roman law in distinction from English common law.

Personal union, 1603. There was bloodshed and destruction involved by this presence of two contesting nationalities, but the

curious exigencies of succession to thrones brought dynastic union at last, when James VI of Scotland succeeded Elizabeth in 1603 as James I of England, lineal descendant of England's kings. During a century the two countries, notwithstanding their deep diversity in law, religion, and constitution, had one man sitting on their two thrones. This was a turbulent century, however, with quarrels between the kings and parliaments in both Edinburgh and Westminster. One of these Stuart kings lost his life, and another his throne, because of their obstinate irreconcilable differences of opinion and creed for action, as contrasted with those of the English people.

Great Britain, 1707. In 1707 the "personal union" of two kingdoms under one king gave place to what the international lawyers call a "real," as contrasted with a "personal union." It was agreed to by identical Acts of Parliament, separately passed in Edinburgh and Westminster. Scotland consciously and purposefully gave up her separate constitutional existence as a nation. From now on there was to be one constitution and one king of "Great Britain," and one elective Parliament sitting at Westminster. Administration, however, was not unified, and Scottish institutions of various sorts (administrative, ecclesiastical, judicial and local) retain their own names and peculiar quality even to this day. There is a chief secretary for Scotland in the British Ministry who provides some degree of unity in the administration of Scottish affairs. But this is not "home rule"; the Scots retain no autonomous legislative power. If Scottish institutions require amendment, it must be by the Parliament of Great Britain at Westminster.

Voluntary union. From the point of view of national psychology, the Scottish people thus voluntarily consented to the ending of their own political existence. Scotland as a politically organized nation ceased to be; and this so recently as 1707. It must be added, however, that under the circumstances the Scottish people could confidently expect toleration of their special quasi-national existence and quality. If Westminster has not been quite so tender of Scottish nationality as was Edinburgh, at least the situation has sufficed for peace and satisfaction of all concerned. Not only could Scottish nationality hope for tol-

erant treatment, but the Scottish citizen profited as well by the change. He acquired by the union with England an immensely enhanced opportunity for economic advancement, such as he could never have hoped for in Scotland itself. The last two centuries have seen Scotsmen pioneering and prospering in commerce, science, and administration, and doing so in the front rank, on the scale of the whole British Empire, with no disparagement, no treatment as tolerated "younger sons," but as equally entitled Britons.

IRELAND

Embittered tradition. Very different is the story of Ireland. Not only embittered Irish tradition but sober impartial history as well, tells a grievous tale of English conquest, several times repeated from the days of the twelfth century through those of Henry VII, Cromwell and William of Orange. Historically Ireland had made her appearance in civilization earlier than England, she was indeed the source of the evangelizing effort that brought the English into Christianity. But division among many tribes and kings had brought Ireland low, and later medieval and modern history told a sorry story of Irish exploitation by her Anglo-Saxon neighbors, down to relatively recent decades.

The nineteenth century, however, has seen the rise of humane purpose in England, and also a notable movement for the revival of Irish nationality; the twentieth century, after bitter political and sometimes bloody conflict during the dozen years before and after the great war, has seen the beginnings of an experiment of substantial independence for at least a part of the Irish island.

Ireland a Crown colony. The memory of conquest by Britain has kept alive a tradition that whatever government may be at Westminster, the Irish are against it. Since the days of Henry VII (Poynings' Act, 1487) an Irish Parliament was compelled to confine itself to a program emanating from Westminster—a sufficiently galling humiliation of one nation by another nation. Since the sixteenth century the economic interests of English absentee landlords of Irish lands had suggested and cultivated the notion that Ireland was a colony to be exploited, a mine to

be emptied for its owners' profit. All manner of ingenious privileges for Englishmen and Protestants—disabilities and punishments for those “without the Pale”—had made the Irish Catholic peasantry (the great bulk of the population) feel that not only their nationality but their religious faith was subject to persecution by the Great Island. An attitude of rebellion became normal, treason became endemic. In 1800, by way of guarding against Irish treason during England's titanic struggle with Napoleon, an Act of Union, creating the United Kingdom of Great Britain and Ireland, was passed simultaneously at Westminster and at Dublin. This purported on the surface to do for Ireland what had been done for Scotland in the Act of Union (1707) a century earlier. But this Irish union was not voluntary. In Dublin the Act was jammed through by wholesale, unblushing corruption; for the Irish were not Scots and their attitude was fixed by memories and present considerations which are as far from the Scottish as are east and west. The Irish would not willingly give up nationality in order to win economic opportunity. They would not forget past grievances in order to acquire future riches.

United Kingdom, 1800. Nevertheless, Irish national organization as separate from the United Kingdom had definitely come to an end by the Act of Union in 1800. There was no Irish Parliament remaining, no representative body for voicing the Irish nation's grievances and hopes. The political activity of the Irish nation was driven underground, and became conspiratorial rather than constitutional, a topic for passionate brooding over grievance rather than a subject of patient administrative amelioration. There was, it is true, a chief secretary for Ireland in the British Ministry; but in contrast with the Scottish case the British administration of Irish affairs took on an imperialist character. Irishmen felt that they were liable to exploitation. In Dublin were concentrated the authorities who were administering all Ireland, but they were not Irish but English authorities and they were not chosen even indirectly, but imposed. Their presence was accordingly resented.

Parnell. Three times an English party (Liberal) passed an act through the British House of Commons granting Ireland

some measure of Home Rule. This was by way of favorable, helpful response to the tireless agitating activity of Irish politicians. The one who became most conspicuous was Charles Stewart Parnell, who succeeded in welding together the ninety-odd Irish members of Parliament into one unbreakable solid block. They acted as one man under Parnell's political guidance. They were even willing to sabotage in the Commons the British parliamentary constitution by "obstruction" in debate and downright disorder, if only they could thereby compel England to listen to Ireland's grievances. Gladstone's espousal of the cause of Irish Home Rule in 1886 caused his party to split; and engendered the powerful Unionist movement, which kept the Home Rulers in weakness and semi-obscurity for some two decades (1885-1905).

Unionist policy. The ideal of maintaining Ireland's union with England gave the name "Unionist" to the composite group of the opponents of Home Rule, both former Conservatives and former Liberals who were insistent upon maintaining the Union. After Parnell's and Gladstone's Home Rule movement had begun, it became Unionist policy to attempt to dissuade Ireland from nationalism by offering her citizens economic privilege to induce passive obedience by them in the unbroken Union, the United Kingdom created in 1800. Manifestly the land question was extremely poignant. The Irish peasant was landless and hopeless; he was a serf, it might almost be said, living poorly and inefficiently by the sufferance of the feudal landlord who lived in England and looked to Ireland only for rent. The Unionists' answer to the problem, as contrasted with that of the Home Rulers, was to keep a tight rein on strivings toward national life, preventing anything that smacked of an Irish nation, holding it down with a firm hand. On the other hand, Unionists would rescue the Irish man as an individual. Let the British treasury give him its credit cheap, enable him to buy out the absentee landlord and have the privilege of tilling land that should be his own, paid for on capital lent him by the British government, not at commercial rates of interest but at a ludicrously low rate that suited his poverty-stricken condition.

It was Unionist statesmanship also, in the person of Sir Horace

Plunkett, that would stimulate producers' coöperation by the organization among poverty stricken peasants of dairies and similar institutions—the government of the United Kingdom subsidizing a revival of Irishmen individually to an individualist economy that was based upon British credit.

Ulster. The exigencies of British politics however produced a disastrous result in the early days of the twentieth century. The Unionist and Liberal parties were so evenly divided that it seemed good Unionist strategy to bolster up their position in Britain by emphasis on the Irish question, and to make that question permanently and fiercely active by charging it with hatred and superstition. Nineteenth century Irishmen had been Nationalists, whether of north or south; Parnell himself was a Protestant. But the leaders of British Unionism proceeded to sow dissension among Irishmen along lines of religion. They encouraged the Irish of northeastern Ireland to regard themselves as a separate Irish nation—Ulster. As the third Home Rule Bill approached its final passage in 1913-14 and it seemed inevitable under the Parliament Act that the opposition of the House of Lords would be finally overcome and Home Rule be granted, Bonar Law and other leaders of the Unionists went among the Ulster Protestants and actually counseled violent resistance to the imposition of Home Rule. They urged the signing of a solemn league and covenant that was to remind men of the solemnity and passion of their sixteenth and seventeenth century struggle for religious freedom. This passion was now to be directed against Home Rule. It was said by Unionist statesmen of high position, "Ulster will fight and Ulster will be right."

European war came to interrupt this seething civil strife, but the Irish Nationalist retained the impression that from English politics little was to be expected that was constructive and that should tend to heal his grievance. A sense of the futility of political measures suggested a readiness for violence.

Easter Rebellion, 1916. It had been an old slogan that England's extremity is Ireland's opportunity. It was tragically fated that at Easter time 1916 Ireland's action upon this maxim should do herself the worst possible injury. A premature rebellion

against British authority by Irishmen who were manifestly acting in full connection with the Germans, and who were threatening to make of the Irish west coast a haven of refuge for German submarines, then the most deadly menace to Britain's power—was answered by savage reprisals, the execution of leaders. The normal result, that might have been expected, was that Ireland's grievance was felt all the more poignantly as her effort to redress that grievance had been less rational. The movement became no longer one for Home Rule, which would have acknowledged the necessity of federal connection with Great Britain. It became "Sinn Fein," meaning "Ourselves Alone," an independent republic, free from obligation to Great Britain, defiant of her, dangerous therefore to Britain's future peace.

Civil war. After the European war had been brought to an end, Ireland suffered two years of frightful civil war. It was waged on the one hand by Sinn Fein, now desperately fighting with any and all weapons to establish itself, even against the irresistible might of Britain. On the other side was Britain's authority vainly attempting to assert itself in the government of Ireland as a Crown colony, whose obedience should be compelled—an Ireland that was no longer willing even to accept Home Rule, an Ireland that was bent on independence that should be as complete as that of the United States. (It was indeed from American citizens, successful descendants of the poverty-stricken nineteenth century Irish emigrants, that Sinn Fein received most of the funds that enabled them to go on.)

Irish Free State. The horror of this Irish war was finally brought to a close by the conciliatory persuasion of Mr. Lloyd George, almost the last constructive act of his coalition government. Ireland was persuaded in the person of several statesman-like compromisers to accept a status which was not actual independence but approached near enough to independence to be substantially worth while. Ireland was declared to be a "dominion" after the manner of Canada, although special provisions had to be made for the peculiar exigencies of defense, since Ireland's coast was obviously a part of England's area of defense. Ireland was to have the opportunity to draft her own constitution, which she immediately did. In point of language she was at

liberty to use her own recently revived Irish tongue, she could invent a new mechanical device for organizing the executive, placing some executive departments in the hands of permanent officials, while other departments were headed by ministers responsible to the representative body, known as the Dail Eireann. There was experimentation furthermore with proportional representation for the lower house, and with a mixture of appointment and election for the upper house or Senate; but the latter body has been finally wiped out of existence by constitutional amendment (1934). The executive is nominally in the governor general, but he is as in Canada only a titular officer for symbolizing the British connection; he is an Irishman appointed by the English king at the request of the Irish government. The real head of the Irish government is the president of the council, who is elected by and responsible to the Dail.

De Valera. More recently the Lloyd George solution to the Irish civil strife has seemed to be working less happily. As the result of long political controversy, especially the division of the Dail among several minority parties, the presidency of the council fell to De Valera (1932), who had long been one of the most outspoken opponents of the Irish Free State system sponsored by Lloyd George and moderate Free State statesmen. Though he had become president of the council, he had been most fervid in his advocacy of Sinn Fein, of a pure and unadulterated independence. His efforts to make Ireland self-sufficient economically are quite like the measures which the world has learned to expect from continental dictators such as Hitler. It may well be doubted what will be the result of his twofold effort to establish Sinn Fein, namely his refusal of the oath of loyalty to the king, and his stand against Irishmen's continuing to make the interest and sinking-fund annual payments due on account of the British treasury loans of a generation ago, already referred to as the Unionists' plan for saving Irishmen individually and thus weaning them away from the effort by Home Rule to save Ireland nationalistically. De Valera says that that land has always been Irish by rights; that any Englishman's title to it was ultimately based upon robbery, that therefore the payment by Irish farmers even of that which had been loaned by the British

treasury on generous terms was needless and indeed unjust. Such a flouting of familiarly accepted economic and juristic doctrines may be good Irish politics but Englishmen regard it as almost criminally bad morals, and of evil omen for the future of the state that practices it. Ireland calls it rectification of an old grievance, undoing of an old injustice. If only England should learn, and Ireland could forget, some of their involved history!

EGYPT

Egypt and the Suez Canal. It is an ancient aphorism that England acquired her empire "in a fit of absence of mind." This does not mean that there was not a very present mind actively concerned at every stage of the process. In each detail some mind was busy, some private or group or local interest was being very acutely analyzed and often was being very wisely, forehandedly served. But there was no imperial mind, planning and executing imperialism. Without an imperialist purpose, the net result of a thousand achievements was an imperial result. The sun never sets on the king's dominions, but this is not the result of imperial planning. Here is the secret of much of England's reputation among foreign nations, of vacillation or worse, of not knowing her own mind and not having thought things through—her reputation, at the worst, of "*perfidie Albion*."

Egypt and India are both samples of this unpremeditated acquisition of imperial responsibility. Each is a vastly intricate difficult story of which we can here observe only the faint outlines.

For centuries past Egypt had been a portion of the dominions of the Ottoman Turk. The mid-nineteenth century saw that Turkish empire falling into decay, its constituent parts acquiring almost an independent self-government. Egypt attracted England's attention when the Suez Canal became the central point of her communications with the vast markets and the executive problems of her eastern dominions. The construction of the Suez Canal had been a French achievement, but Disraeli's purchase (1875) of the Egyptian khedive's shares of the joint stock company owning the enterprise gave the British state a predominating interest. That is the factor of chief importance that

must never be lost from sight in considering Britain's political relations with Egypt.

Khedive's bankruptcy. The improvidence and lavish expenditure of her sovereigns put Egypt under the power of her creditors. By the late seventies the impending bankruptcy of the khedivial quasi-independent state of Egypt required the establishment of a joint control, French and British. An outburst of Egyptian nationalism against this fiscal supervision flamed up in 1881. But the suppression of the revolt was undertaken by Great Britain alone, France finding it inconvenient to participate owing to embarrassing political circumstances at home. The British government professed to be acting solely with the temporary purpose of restoring order, and in fact the Gladstone government of Britain was notoriously averse to incurring the responsibility of imperialism. Nevertheless, in Egypt, as it were under the leading of a blind fate, the Gladstone government caused England to establish a regime which has proved permanent and which Britain's sense of duty compels her to maintain, whatever might be her subsequent want of economic interest.

Cromer. This regime is usually associated with the name Cromer. This remarkable pro-consul began as an adviser acting jointly with a French adviser to prevent Egypt from defaulting on her bonds and requiring to be foreclosed and liquidated. The French withdrew from the responsibility, but continued until 1904 a habit of protest and delay which became infinitely nagging and distressing to their English rivals. As the French withdrew, Cromer's task became one of fiscal supervision that grew into complete administrative responsibility for government and development; yet all the time his relations were not those of a governor but of a diplomatic adviser. Under his system, which continued for 25 years under his own administration and was largely continued afterwards for another 18 years, the administration was conducted by Egyptian officers acting under executive decrees of the Egyptian khedive. At every point a British adviser stood at the elbow of the Egyptian administrator, to suggest with irresistible authority what the Egyptian would better do. To British efficiency it was a waste of energy to have to accomplish everything indirectly. To Egyptian pride it was

intensely galling. But it produced remarkable results. Egypt's problems, of sugar and cotton production, of health and education, were not it is true solved, but were being put in way of solution to a degree quite inconceivable if Egypt had remained in the hands of the Egyptian.

But Egypt in her own hands was just what Egypt was bound to have and insistently demanded, in the period following the World War.

Qualified independence. That conflict itself had made such demands on the man power of the British nation that the administrative skill for conducting Egyptian affairs efficiently under diplomatic forms was seriously depleted. Discontent became rife. But far more important, our Wilsonian pronouncements regarding self-determination had aroused political nationalists among the Egyptians to demands that paid little attention to feasibility and wisdom of statesmanship. Egypt definitely preferred self-government, though corrupt, to good government that was British in essential responsibility. In face of this nationalist demand the British government in 1922 definitely recognized the king of Egypt as an independent sovereign with whom she would negotiate solution of all pending problems. He proclaimed a paper constitution in 1923, and his kingdom has had ups and downs of responsible and of dictatorial government. The negotiation with Britain has been conducted now for over a dozen years without success. Britain's spokesmanship has varied from imperialist to anti-imperialist. Egypt's spokesmanship has wavered in the detail of her demands, but continues steadfast in its insistence upon the central principle. England's recognition of Egypt's independence was subject to certain conditions which Egypt finds it impossible to accept. These matters for discussion need not be analyzed here. It is sufficient to remind the reader that England has no intention of letting go the secure control of the Suez Canal; also that she retains in her own hand the administration of the vast area of the Sudan which was conquered and administered in the joint names of Egypt and Britain, but whose relation to Egypt has actually been not one of subordination, except in name. Egypt is one dependency, the British

Sudan is another; in the former Britain acts diplomatically, in the latter by the methods of colonial administration, autocratic and efficient.

INDIA

National disunity. India is another problem; vast, complex, and urgent, because since 1917 the ideal of "national self-determination" has reached the minds of thousands and the hearts of many hundreds of thousands (probably millions) of "natives." India consists of some three hundred and forty million people. But they are of the utmost variety of race, language and religion, and their culture varies from the exquisitely refined intelligence of poets and philosophers down to the utter degradation of immense masses, who live close to the starvation point, and of whom something like ninety per cent are unable to read or write. Perhaps one-fifth of the inhabitants of the peninsula are Moslems, who possess a backward culture but have a philosophy of human equality. Most of the remainder are Hindus, and between Moslem and Hindu there is a great gulf fixed, of jealousy and fear, that is apparently incapable of being bridged. But worse yet, among the Hindus there is an age-old caste system which breaks society into numerous strata that are allowed no free social intercourse. This circumstance, taken together with desperately difficult economic circumstances, condemns the masses to hopelessness, some forty million indeed to the non-caste or outcast status called "untouchableness," a social position from which we derive the word "pariah." They are lower than dogs: to have the slightest social intercourse with them is to suffer deadly pollution.

Indian Congress. There is, then, no ancient tradition of an Indian nation in point of blood or language or religion, and India's great modern poet, Rabindranath Tagore, has expressed strong opposition to the very ideal of nationality for India. Yet the idea is stirring, and a movement has just celebrated its fiftieth anniversary (operating since December, 1885), the Indian Congress, which has been agitating the population with the purpose of developing an Indian national consciousness, not religious or linguistic, since the latter two cultural elements are deeply divisive in India. The Congress movement is now a party, per-

vasively as well as persistently active in the press and in politics. In the person of Gandhi (with his ideas of "soul force," and of non-violence combined with non-coöperation with the legal government) it has made a deep impression upon world opinion.

East India Company. Such peace as India has ever enjoyed in modern history has been imposed by conquest. When Europeans appeared on the scene in the eighteenth century the latest conquerors (the Moguls) had been degenerating and letting their empire fall to pieces. The French and English came, however, not as empires, with unified purpose, but in the person of bold, unscrupulous traders to whom government was not a support or control but an obstacle. The British merchants, however, became united in a British East India Company. This body underwent many changes in its organization in the course of a long history, but always provided a working compromise between private individual activity and corporate control under government supervision. In the middle of the eighteenth century (the war of 1754-1763) the French colonial effort in India was forcibly eliminated, except for a few tiny fragments, and India ceased to be a theater of Anglo-French imperialist rivalry. The problem became the more difficult one of accommodation between the requirements of the vast disunited Indian population and the British interests that were concerned. These were two, namely the Company and its merchants who were interested in profits, and the Englishmen who tried to provide as good government as was feasible under the circumstances. In the course of decades Britain grew to the realization of a duty as well as a power and a source of profit.

Indian people's requirements. It is impossible here to trace the complicated evolution. We may only observe that by a series of acts of the British Parliament the Company has been eliminated and the Indian people introduced in some measure to participation in public affairs. The government of India has been, nevertheless, until very recent times solely an administration by Englishmen, arrogant but incorruptible and efficient. Increasingly it has had regard for the needs and the future of the Indian peoples, but it has been always deeply concerned to de-

fend the economic investment by Englishmen in India, which has become vast and intricately interwoven with India's very life.

India Act of 1935. The latest of these acts of the English Parliament was passed after six months of debate in August of 1935, and will gradually go into effect in the course of the ensuing months and years. It was based on the experience of a regime founded in 1919 (the Montagu-Chelmsford reforms¹), plus a study made in India by Sir John Simon's Commission (1929); followed by three sessions of a Round Table Conference in London, attended by Indian leaders as well as British statesmen; and an exhaustive study by a Joint Committee of the English Parliament in 1934-1935.

Native states. Before describing the new regime we must give attention to one special feature of the situation, which is of long standing, but generally unfamiliar. This is the problem of the native states, whose names (e.g., Kashmir, Rajputana, Mysore, Hyderabad) are familiar to all adepts of the popular art of postage-stamp-collecting. These are the portions of India which the Empire has seen fit *not* to conquer or bring within its realm of British India. Scattered over the peninsula they are unextinguished "independent" sovereignties which Britain maintains under her protection, their princes under her "paramountcy." She lends them advisers, she absolutely controls their foreign relations, but has left them undisturbed in their internal government. There are some six hundred, with a total of 81,000,000 population. Most of them are tiny fragments, but some few are large areas, populated by many millions. All are unmitigated autocracies, their rulers impervious to public opinion, their peoples entirely excluded from the experiments in political election and parliamentary procedure with which British India has been occupied, already for some thirty years, since the Morley-Minto reforms of 1906.

British India. Turning from the native states to British India, it must be observed that her government has long been dual, partly in the central government carried on with imperial pomp at Delhi by the governor-general and his councils; much

¹ A system introduced on the initiative of Mr. Montagu as secretary for India in the British cabinet, to be executed by the viceroy in India, Lord Chelmsford.

more largely in the "provinces." These provinces are too often ignored by the observer, but it must be remembered that Bengal for example, with 76,800 square miles and 50,000,000 population, is comparable in size with Great Britain (89,000 square miles and 45,000,000 population). These provinces are now to be eleven in number, averaging twenty-three millions of people, which makes them, as social aggregates, comparable with the states of Europe. Here in the provinces is carried on the great bulk of administration, the contact of government with men and women. It involves taxation and the keeping of the peace, but also regulates manufacture, banking, transportation, public health; it provides the organizations that are to fight poverty and disease, and help the people in their struggle against slavery to the money-lender, and against the frequently recurring disaster of famine.

Toward self-government. The Act of 1935 is not an agreed concordat between the paramount power and the people of India. It naturally denies the claim of the extremists for *swaraj* (complete independence). It also gives intense dissatisfaction to many reasonable Moderates who had hoped that India might early acquire the "dominion status," like that of Canada, which had been pronounced by English statesmen in 1919 to be the ultimate goal to be aimed at, that should be achieved in the fullness of time, when India was prepared. Nevertheless, though passed by a Parliament heavily Conservative in politics, it marks the greatest single advance, since the British conquest, toward self-government by India. It is based on three fundamental principles: (1) provincial autonomy, (2) all-India federation, and (3) responsible government at the center, with heavy safeguards.

Province autonomy. (1) The provinces had been acquiring experience with partly elective councils since 1906. They now have their electorates immensely enlarged, from seven to thirty-five million, to include about a quarter of the adult population; there is even a considerable enlargement of participation by women. The suffrage is largely defined by property and intellectual qualifications, but it is heavily handicapped (from the Indian Nationalist point of view) by the "communal" system. This communalism is endlessly complicated, but speaking broadly

it means that constituencies are not, as with us, miscellaneous territorial aggregates of people, but are composed of distinct classes, religious and social. Moslems alone vote for a number of Moslem representatives, Hindus alone for Hindu representatives, etc. There is therefore little chance that the Indian people will have opportunity to form real parties and vote on principles of national opinion that cut across religious and class lines; on the contrary, religious and racial and social distinctions are thus emphasized, class consciousness intensified. The council is elected for a term of five years, but may be earlier dissolved. In six of the provinces there is to be an upper house, elected for a nine year term, one-third every three years. The provincial governor is appointed from England, as in Crown Colonies, and is provided with extraordinary powers, minutely defined for maintaining the peace and financial stability and preventing discrimination against British interests. The ministers, however, are in general designed to be of the "responsible" type, standing or falling at the will of the Assembly majority; though there is an exception, even here, to the general principle of responsible government, since the provision that there shall be special representation of racial minorities in the ministry will certainly make against the political homogeneousness that we usually associate with a responsible ministry.

All-India federation. (2) An extraordinary and novel experiment is now begun, in the federation of all India, to include the "native states" as well as the provinces of British India. It is still impossible to know much about the distribution of powers between whole and parts; for the individual princes have yet to be induced to make their individual, and perhaps varying, treaties that will determine the exact terms under which they enter the federation. This is a process which will require several years, demanding all the tact as well as all the term of the new viceroy, who goes out, from England, as usual, for a five year period of office. The fact that native-state and British India comprise one continuous mass of peoples and problems made the federation seem desirable as soon as the princes announced (1930) their readiness, in principle, to come in. But the implementing of the idea of federation is a task that is only just about to begin. One

thing is certain: that it will be exceedingly difficult to arrange for the common life of a federation in which the native states are unalloyed autocracies, and yet are geographically and socially set in the midst of British Indian Provinces which had been hopefully advancing toward democratic self-government.

"Responsibility" at Delhi. (3) As for the central government, a substantial measure of "responsible government" is provided, but it is heavily qualified by what the English regard as vitally necessary "safeguards." The phrases have reference mainly to the relation between the Empire's executive and the bi-cameral Indian legislature. The governor-general is to have an executive body of not over ten ministers, who, as in the provinces, are to be in general responsible to the representative houses. But three departments are absolutely reserved to the governor-general's own control.

Dyarchy. Such a division of executive power is directly imitated from the "dyarchy" that has been experimented with in the provinces since 1919. This unusual term "dyarchy" signified a division of the executive function into two sharply contrasted parts: certain powers (e.g., education) were "transferred" to responsible ministers, and were under their complete control, answerable to the elected representatives in council; certain other powers (e.g., maintenance of order) were "reserved" to other ministers who were responsible to the provincial governors themselves, and therefore remained under British control. The theory was that by dyarchy Indians could learn self-government by experience, but that this experimentation must be confined to functions of government which, though important, were not matters of the Indian empire's life or death. The dyarchy experiment of 1919 was confined to the provinces. It has now been supplanted in the provinces by complete responsibility of ministers in all topics, though it is still subject to certain "special responsibilities" of the British Governors in behalf of British and all-India interests.

Safeguards. The principle of dyarchy, after this period of experimental trial (not thoroughly satisfactory) in the provinces, is now to be established in the central all-India government. The ministers are to be "responsible" to the Legislature on all

save three "reserved" departments, the army, foreign affairs, and ecclesiastical affairs. But the power of the governor-general does not stop here. He is declared to have "special responsibilities" in certain fields, such as the prevention of menaces to peace, the safeguarding of India's credit, the protection of minorities, and the prevention of discrimination against British interests. He has, furthermore, an absolute veto on the Legislature's Acts, not to be overridden even by extraordinary majority. In case of the Legislature's non-coöperation with necessary measures of government, its refusal for example to pass a budget or other absolutely necessary legislation, he can even pass "Governor-General's Acts," which are only subject to a right of disallowance by the British Parliament. This is in addition to the matter-of-course right of the governor-general to issue necessary ordinances in parliamentary vacation, and an elastic power, in case of the complete breakdown of Indian constitutional government, to assume by vice-regal proclamation a complete autocracy, such as in the West would be called dictatorship. One final limitation on the Legislative body's control is found in the fact that some eighty per cent of the Indian budget is "non-votable." This freedom from political control covers such matters as the army and pensions and the payment of the national debt; as is also true in England regarding the judges' salaries and the interest payments on the national debt, which are on the "Consolidated Fund" and are not subject to annual grant by Parliament.

Central legislature. The federal Legislature at Delhi is the body whose composition under the new Act has called forth most criticism. It is in two houses, a lower house of 375, and a Council of State of 260. In the latter body, 104 are to be the appointees of the princes of the native states—an immense over-weighting of this element, which is completely autocratic, and may be expected to be out of sympathy with the democratic aspirations of nationalist India. The princely appointees need only find 27 allies among Moslems or other minority groups, to constitute a majority in this body. Similarly in the Assembly or lower house the princes appoint 125 or one-third of the members, and need only find the alliance of 63 extra votes to control this body. Of the representatives of British India furthermore a very

large portion of representation is allotted to the numerous racial and religious communities; and also to special economic groups, such as land-holding, commerce, and industry. Even the British residents, though they number less than 100,000, have 14 members of the Assembly. The net result of these special allotments is that the "caste Hindus," two-thirds of the people of India, have opportunity to vote on only 86 out of the 250 seats allotted to British India. This is because, so far as they are vocal in politics, they are Nationalist, and generally hostile to British rule.

Democratic theory finds another anomaly in the fact that direct election applies only to the upper house (Council of State) which is elected by a voting body of some 100,000 persons, subject to high property qualification; whereas the lower house is only *indirectly elected*, that is, its members are to be chosen by the lower houses of the provincial legislatures, not by qualified people directly voting at the polls as hitherto.

Civil Service and Army not Indianized. In addition to these fundamentals, the Act of 1935 goes into a multitude of details which deeply affect the character of the new regime, in general adversely to Nationalist hopes. One negative fact may be noted. Notwithstanding insistent demand from native representatives, not a step was taken toward the Indianization of the Civil Service or of the Army. The former contains of course thousands of Indians, but nearly all of the higher, more responsible positions are and will remain in British hands. The Indian army of 60,000 is one-third British in personnel, though the expense for a British soldier is three times as great as for an Indian. Of the officer corps only three per cent are Indians. Britain has no present intention of letting slip out of her own control the "steel frame" of Indian government.

Will India Coöperate? The future is impossible to forecast. Educated Indian opinion is undoubtedly disappointed. Many of its outspoken advocates say that it asked Britain for bread and was given a stone. Yet Gandhi the Mahatma (saint) has withdrawn from active politics, and is apparently chiefly occupied in shaking orthodox Hinduism by a courageous humanitarian but un-Indian campaign to uplift the "untouchables." The Congress

party is tired of the "civil disobedience" taught by Gandhi, and has given up its boycott of government; entering politics it wins seats in the Assemblies. Will its leaders accept office? Will they work with the constitution? And if so, will they work this compromise scheme in the coöperating spirit of Cosgrave in the Irish Free State, or in the transforming (if not wrecking) spirit of De Valera? Or will they be moderated by responsibility and (with the loss of their left wing to socialism or "direct action") enable the portentous experiment to succeed? Will they advance India by gradually learning self-government, which, as the history of the Dominions showed, cannot be granted, but only earned?

CROWN COLONIES

Various dependencies. The concept of the British Empire, however, is independent of Egypt and India. As in the case of their predecessors the Portuguese and Spaniards, and of their close rivals the French and Dutch, the Britons gradually acquired empire over an infinitely various mass of dependencies. In that period the economists generally expected colonies to be mere appendages, useful to their mother countries almost solely as sources of raw materials and as markets for manufactured goods. The dependencies might have utility also on strategic grounds, as outposts for defense or as instruments for the expanding of Britain's domination over certain portions of the earth's surface. They might be mere fuel stations, to enable the British Navy to feel itself at home and well provided with a base of operations, though at the opposite end of the earth from the British Isles. Colonies of this sort may be found, scattered the world over, and some are still thought of mainly as serving that ancient ideal. Gibraltar and Cyprus at the two ends and Malta in the middle of the Mediterranean make that body of water, not a British lake, but an area that is largely amenable to the influence of the British fleet. The Cape of Good Hope at the southern tip of Africa, Singapore on the Malay peninsula, and Jamaica in the Caribbean Sea may be taken as other examples; the nineteenth century likewise saw many islands of the Pacific brought under the same influence, irrespective of whether there was already on hand, or was likely to come, a body of English-speak-

ing settlers, to add another to the several little New Englands that the world has come to know.

In sharp contrast with the half-dozen "dominions," such as Canada (presently to be examined), all the remainder of the Empire may be regarded as "Crown colonies," though there are numerous sub-types and names, and there is an infinite variety in detail. They have been acquired by the British "Crown" or nation; they adorn or enrich or defend it. They do not possess or claim true self-government, but look in the last analysis to the British crown as the real source of their authority. They may be great or small, important or trifling, with or without representative institutions. In some, like Gibraltar, we find hardly more than the commander of a military stronghold. On the other hand, wherever a colony's civil population contains a considerable English-speaking element, a representative body of some sort is almost sure to be found. Together with this representative assembly there may be a council, to act as upper house as well as advise the governor. There may be English-speaking judges and administrators as well.

Governor of the Crown. The unifying characteristic of all crown colonies is that, with however much or little dilution by popular representation in the determination of policy, the authority is clearly assumed by the British governor. Not only the responsibility of leadership is his, but also the right to say the last word, by co-operating signature of agreement or by absolute veto. This situation often produces difficulties, sometimes deadlocks, as was the case with the American provinces of the eighteenth century, such as New York; they were essentially crown colonies, although not then so called. A wise and successful governor will be able to conciliate those who are temporarily "his" people, and lead rather than coerce them; but the responsibility is on him, by cajolery or coercion if not by leadership, to get the necessities of government accomplished. He must choose his ministers and through those ministers conduct the administration—always subject to the instructions which were put in his hand when he left England, and which are kept up to date by means of cable or wireless. The secretary for the colonies, a member of the British Cabinet, is absolute master of all these

multifarious possessions of the British Crown; and of this mastery the governor is the supple instrument. He makes his career by being successful in one crown colony and earning promotion to another which involves larger problems, weightier responsibilities and richer rewards. An experienced governor may have traveled the seven seas before he earns retirement. He learns to know the interests and to act as spokesman for the people of one colony after another, in Asia, Africa, America, the Caribbean, the Pacific. Wherever he goes he carries out a policy which was made in Whitehall, or at least was there controlled and in some measure reduced to imperial harmony. Unity of the empire is secured not by uniformity, but by the co-ordination of elements that show infinite variety, maintained and encouraged and at the same time kept in hand by the ancient but constantly growing tradition of the colonial office.

CANADA

A sample of modern Dominion. We turn now to the self-governing "Dominions," whose substantial independence (but also clearly acknowledged interdependence) is coming to recognition during the present generations. There is plentiful interest and importance in Australia, New Zealand, South Africa, the Irish Free State. But the sample we shall take for more careful examination is one that is very near home.

Canada, America's neighbor. The citizen of the United States is concerned with the government and politics of Canada for a variety of reasons. Proximity is the most obvious; here is our nearest neighbor. Likeness of social and economic problems must always bring us to a common consideration of ways and means, however diverse may be our solutions of these problems. There is the further interest of close study by Canada, when she drafted her scheme of government, of the 75 years of experience south of the Great Lakes, though in some important particulars that experience of ours was the occasion not for imitation, but for her avoidance of what she regarded as our error. Finally there is an interest which apparently will grow in the future: Canada is an intellectual bridge between the United States and Europe. There are many respects in which Canada's

situation and experience makes her the interpreter, with unrivaled facilities, of the United States to Europe and of Europe to the United States. The word Europe is used advisedly; for it is not only England and the British Commonwealth, but it is the continental world as well. And one might well include the League of Nations, in whose council Canada has already taken an important part, while Canadians have long been accustomed to play important roles in the assembly and secretariat. In nine out of ten matters of international policy that are under consideration at Geneva, Canada's attitude is substantially that which would be assumed by the United States, economic, social and geographic circumstances and influences being so nearly identical.

Various provinces. In 1867, by an act passed by the British Parliament at Westminster, there was created a federation of provinces, some of which looked back to a course of history that even antedated our own. The number of provinces was at first four. It has since been increased and now stands at nine. Their social type varies from Nova Scotia to Saskatchewan, much as does ours from Maine to the Dakotas. It was the social question, however, that required federation rather than a unified scheme, to a degree that outweighed all other motives for the autonomy of parts. The French population in Canada, largely concentrated in the province of Quebec, are the most ancient, but they are also the least amenable for the assimilating of all the elements that have entered into Canadian life. Retaining since the seventeenth century their French language, Catholic religion, Roman law, special mode of social life, and their characteristically French attachment to their native soil—here is a solid block, socially speaking, which cannot be aligned flexibly with other blocks, must be taken as corner stone or stumbling block. Both these roles have been played at times by the French Canadians. It required consummate genius of conciliating and devising, by the "founding fathers" of 1867, to frame a law and build up conventions regarding the use of that law. Under that constitution the whole Canadian life is lived, which is neither French nor British but composite and federal.

Framing of constitution. The constitution of the Dominion was framed in the early sixties. After the manner of the American constitutional conventions in 1786-87 at Annapolis and Philadelphia, there was a preliminary meeting of representatives of the existing provinces, which met at Charlottetown in Prince Edward Island, and then because of its obvious inadequacy led to a larger conference at Quebec. There was confidential consultation of leading statesmen, chiefly of the Upper and Lower Canadas, now known as Ontario and Quebec, but always with the cordial coöperation of the Maritime provinces of Nova Scotia and New Brunswick, which had taken the initiative for a Maritime Union. A role corresponding to that of Alexander Hamilton in 1787 was played by John A. MacDonald, long an influential Conservative politician of Ontario. He was closely familiar with the American Federal experience, and drew upon it heavily in the preparation of his scheme of union. Under the influence of the American Civil War then raging, he had no doubt that Canada must avoid the error of "state sovereignty," and his scheme involved many details of unification which were almost certainly taken from Alexander Hamilton's proposals of 1787.

Canadian federation. Some of MacDonald's centralizing ideas were adopted, but Quebec was too diverse in social composition from the English-speaking provinces to risk entrance into a highly unified nation; and the result was, on the whole, a federal rather than a unitary scheme of government. One of the outstanding features of the constitution is its guaranty of provincial autonomy, especially regarding church and school, but including many other matters. Furthermore, it is the judgment of Canadian constitutional lawyers that while the tendencies of recent years have made the American national government grow at the expense of the states, the Canadian provinces have been guaranteed in these same recent years, by their own courts and the final appellate court in England, a field of self-government that is not only secure but of growing significance. The apparently crucial fact that residual powers of government are by the Canadian constitution granted to the Dominion, as in the United States they are reserved to the states, must therefore be heavily qualified. The tendency of the courts is to say that the

Dominion residual power has reference only to a necessary last resort in case of national crisis; but that the power of the provinces, on the other hand, lies in the interpretation of the growing police power. For practical purposes, this distribution of authority really signifies a residual governmental power in the provinces, except as specifically limited by enumerated powers of the Dominion.

Legislation at Westminster. The constitution having been drafted in Canada, a group of leaders went to England, entered into close consultation with the colonial secretary and premier, and obtained the passage of an act of the Imperial Parliament, which received the royal assent and went into effect July 1, 1867. It was the universal understanding that the Westminster Parliament was doing no more than give legal force to a constitutional achievement which the Canadian provinces had actually willed, that no Canadian province was included except by its own desire, and that the union thus created might be extended to include other provinces of the North American continent. Newfoundland chose to remain aloof, feeling herself to be more English than American.

Durham. From time to time new powers have been granted by Parliament to the Canadian Dominion, but it seems to be understood that the Westminster action is purely perfunctory, that its participation in the regulation of Canada's constitution is like that of the king—purely symbolical and not politically real. The further development is in the hands of Canada herself. Furthermore, perhaps it is unnecessary to add, much of Canada's constitution is not contained within this document, but as in England consists of binding constitutional practices, achieved by experience and capable of gradual adaptation. The most notable of these features is the principle of Cabinet responsibility to the lower house, which, after the favorable report of the English Lord Durham, had been the result of a long constitutional conflict in Canada (1849), and was early extended to other colonies similarly composed at the ends of the earth, such as Australia and New Zealand. This cornerstone of the constitution is not even mentioned in the Canadian written constitution.

The governor-general. After the manner of England, the nominal authority and the real power of the executive are in different hands, one symbolic and the other political. This is true in the provinces individually and in the Dominion as a whole. The real head of Dominion government is the prime minister, who with his cabinet stands or falls at the will of the House of Commons at Ottawa. The majesty of the king is represented by a governor-general, who resides in Ottawa with some suggestion of royal state. He is appointed by the London government and is frequently a peer, possibly even a royal personage, such as the Marquis of Lorne, husband of Queen Victoria's daughter, or the Duke of Connaught, King George V's uncle. But it is gradually coming to be recognized that this appointment is made only upon the explicit approval of the Canadian executive. In any case, it is universally admitted that the governor-general exercises no political power that is England's or his own, that all of his doings are upon the responsibility of the Canadian premier. Whatever his own feelings, he accepts and works with the leader of the House of Commons, of a party that changes from time to time as the result of general elections. The political system, however, has been so conveniently evolved, according to English tradition, with two parties constantly alternating in predominance, that there is never any doubt who is the person to be summoned, no possibility for the governor-general to exercise a discretion or preference. Advice the governor-general may no doubt be able and willing to give as premiers come and go, but it is confidential as between the two men. Lacking the prestige of real royalty and ordinarily enjoying no more experience or prestige than his premier, indeed nothing like so much (except socially), it seems right to say that the governor-general plays a role that is even more symbolic and politically insignificant than that of the king of England.

Lord Byng made an unhappy experiment in 1925, vainly attempting, as governor-general, to refuse a dissolution of the Commons which his premier required. But this action of the popular governor-general turned out disastrously, not so much to himself but to his office. His effort was in the course of a few months completely nullified, and the result of the whole episode

was to confirm the right of the premier to dissolve the Commons on his own responsibility, whatever the governor-general may judge as to the expediency of the act.

Lieutenant-governor. Each province has a lieutenant-governor, whose function represents on a small scale that of the governor-general. Again the appointment is from outside; but it is the Ottawa government (that is, the Canadian premier) who makes this appointment. The period is for five years ordinarily. The premier uses the appointment to satisfy some party obligation. The lieutenant-governor must be a person who has left active political life but is regarded as worthy of recognition for his party services in the past. In the position of lieutenant-governor he must maintain absolute impartiality after the manner of the king and the governor-general. It has been suggested that it would be sound economy, and no political loss, to have this office combined with that of chief justice in the provincial judiciary.

House of Commons. The main source of power in the Dominion government is the House of Commons. This consists of 245 members, elected by universal suffrage, male and female. The term is five years, and ordinarily is completely served out; but there have been important instances of dissolution, when the premier thought fit to consult the voters, because of a new critical issue, upon which the people's representation was stale. The province of Quebec has 65 representatives. Upon this number as a permanent basis, representation is apportioned to the other provinces, after each decennial census, in such a manner as to preserve the same ratio of members to voters throughout the Dominion. The resulting numbers vary from 82 for Ontario down to 16 for Alberta, and 1 for the Yukon territory.

The House of Commons at Ottawa carefully preserves most of the usages of the House in Westminster; but there are variations. The speaker is not so completely removed from politics as is his prototype in Westminster. While in office he maintains a tradition of strict impartiality; nevertheless, he must be an active candidate for his seat at the next election. Furthermore, the never-forgotten question of French versus English race has resulted in a tradition that there must be alternation between

the races in the speakership, even though there be continuity of party in successive elections."

Standing committees. A large part of the business of the House is done in standing committees, which after the English manner are of large membership, representative of both parties. The procedure on bills is likewise a frank imitation of the English, with three readings and consideration in committee between the second and third readings. Finance likewise must be initiated by the Ministry, on its fixed absolute responsibility. No private member may move an addition to taxation. This has not however taken the further extension, so much prized in England, of a monopoly of initiative in appropriations by the responsible ministers. With some considerable measure of ministerial leadership, the Canadian Parliament combines a large measure of influence by private members as such upon appropriations. Money for public projects which concerns individual constituencies alone, perhaps at the expense of the national interest, is often extracted from the Treasury by the mutual assistance of members and blocks of members, in the manner well known in Washington as "log rolling."

Upper house. The problem of an upper house has not been satisfactorily solved by Canada. Provincial experience did not require a second chamber, rather suggested that it be dispensed with, because of a long-standing tradition that an upper house was a mere projection of the governor's external curbing influence. Seven of the nine provinces have no upper house, and reliable opinion doubts the utility of those possessed by Quebec and Nova Scotia. In the Dominion, however, an upper house seemed to be required by the same logic that prevailed at Philadelphia in 1787. The upper house was created to protect the autonomy of certain regions that were jealous of future encroachments. This principle has continued to be applied, but regard is had not to individual provinces but instead to regions of provinces. The Senate consists normally of 96 members, 24 from Quebec, 24 from Ontario; there are two other blocs of 24 each, which are assigned to the far east and the far west, in each case divided proportionately among the three or four provinces concerned. In one case only, that of Quebec, is there local assign-

ment of senators to areas within the province; i.e., senators are constituted for the 24 senatorial districts in Quebec. Elsewhere the representation is at large.

Appointment of senators. Members of the Senate are appointed by the governor-general, that is to say, by the premier of the day. There is of course no noble class in Canada, no hereditary right; but the appointment carries with it life tenure, save in the case of loss of civil rights, or the cessation of the possession of four thousand dollars' worth of property in the province; in the further case of abstention from attendance during two parliamentary sessions. As the members are generally speaking of high age, they tend with growing infirmity to cease attending and thereby to make vacancies. Yet there have been instances of senators who were of 90 years or more.

An active politician is hardly likely to seek appointment to the Senate. These positions are given as plums in the patronage of the party in power, an honorary degree as it were, which involves little obligation or opportunity of public service. The Senate's consent is required for every act of legislation or finance; but its political influence is now less than that of the House of Lords. When a prime minister comes into office as a result of a political overturn, he finds that his predecessor has filled the Senate with members of the opposing party. On some occasions that hostile majority is bold enough to reject legislation upon which the Ministry sets its heart. Then there is loud talk of abolishing the Senate as an anachronistic survival. But a few years suffice to correct the situation. Every year half a dozen or so die, and their places are filled by reliable party members. Thus the Senate comes into line with the prevailing tendency in the government. It exercises a mild power of revision, but no serious opposition. The talk of abolishing the Senate has died out, as no one wants to tackle the thorny problem of a revision of the constitution, that might be resented by French Catholic Quebec.

The constitution provides for one detail which reminds the observer of the House of Lords. If a case is deadlocked the premier may appoint extra senators for passing the crisis. These might originally be three or six; that is, one or two from each

of the regions of provinces. With the recent rise of the far west as a region, this number has been increased to four or eight. The power of deadlock breaking has not, however, been of any constitutional importance.

The Cabinet. The Dominion Cabinet and Ministry are substantially identical, there being only a few parliamentary under-secretaries who as ministers come and go with parties, but are not included in the Cabinet. The character of this Cabinet is for the most part indicated by saying that it is modeled upon the English. There are, however, one or two peculiarities worth noting. Outstanding is the fact that by long-standing tradition the Cabinet must do duty as an instrument of federalism; that is, it must be composed in such fashion as to represent the diverse elements of which the Dominion is composed. This diversity has reference not only to the nine provinces, but especially to the two religions. Whatever the effect upon available personnel that can be chosen for its expertness or its skill in superior counsel, there must always be three or four representatives of Ontario province and of Quebec as well; but there must also be one representative at least of the Roman Catholics outside of Quebec and another of the English speaking population in Quebec. One of the maritime provinces always provides the minister of fisheries and marine, New Brunswick usually the minister of railways.

THE BRITISH COMMONWEALTH

Empire is a highly equivocal word. But whatever else it may connote, it suggests the rule of one people by another. In view of the conditions under which the British Empire came into being, the name was appropriate. The British people, for whatever motives, and with however little symmetrical design or playful purpose, was governing other peoples in the five continents and the seven seas.

Dominion self-government. The rise of the dominions, however, and their recent recognition as self-governing nations to all practical intents and purposes, has brought about a change in even the name of this unique and hardly classifiable political phenomenon. Canada has achieved recognition, by the mother

country and by foreign states; she is fully as self-governing an entity as Portugal or Belgium. Her connection with the British Crown remains, but it is of doubtful character. Probably it is no exaggeration to say, after the events of the World War and the succeeding decades, that Canada has her own "crown," that the kingship is a function performed by Edward VIII through Mr. Bennett or Mr. King in Ottawa for one nation as it is performed through Mr. MacDonald or Mr. Baldwin in Westminster for another nation. Baldwin would no more exercise the powers of the British Crown *authoritatively* upon the king's subjects in Canada than Mackenzie King upon the king's subjects in Great Britain. Canada insists with equal emphasis upon the two propositions: that she is a member of the far-flung world community of which Edward VIII is the kingly head and that she is not dependent upon any other member of that community, not even on England. The same may be said of Australia, New Zealand and the other so-called dominions. If they choose they send high commissioners to London, who are practically ambassadors for the conduct of affairs by conference with the British Cabinet's minister for the dominions. They may also send their own ministers to Washington and other foreign capitals and negotiate their own treaties.

Commonwealth unique. It must be concluded that "Empire," in the original meaning of that word, has ceased to be, with respect to these dominions. To complete the new concept of self-governing nations which enjoy the functioning of a common king, there is appearing within the last ten years a new name—"Commonwealth." This British Commonwealth is a political phenomenon like nothing else in modern history. These self-governing nations, each with its capital, its flag, its Parliament and prime minister, *will* not be under each other's control, but also they *will* not be independent, they *will* be inter-dependent. Here is a league of nations depending for its continued existence upon a continuing will to act in union. Secession is probably permissible; that is to say, the other dominions and the "mother country" would not fight a seceding dominion to bring her back. But the more voluntary the union has become, the

stronger becomes its sentimental and moral force. The events of the World War seem to have given conclusive proof of this. For Australia and New Zealand, poles apart from Europe, chose to shed their blood and spend their treasure that the "mother country" might be on the winning side.

To provide this union of self-dependent and inter-dependent British nations with a legal, political organization that should be aptly contrived to serve that union, seems at present to be an insoluble problem. Twenty years ago there was much talk of a "Commonwealth" Parliament and "Commonwealth" Ministry, outside of and above the parliaments and ministries of the self-governing British nations. Such talk has now ceased. Conference of the mother and dominion nations in 1926 gave occasion for thoroughgoing examination of the whole problem, but no constitutional settlement of legally binding force was arrived at.

Commonwealth Conference. The Commonwealth Conference, however, seems to be becoming an institution. It originated in Queen Victoria's reign when her successive jubilees (1887-1897) brought loyal premiers to London, and incidentally to meetings for taking counsel together under the leadership of the British colonial minister. There is now, on the contrary, a periodical meeting of imperial and dominion prime ministers and their foreign secretaries for consultation among equals, much after the manner of a League of Nations Council. But in this case there is no Covenant to impose limitations or require the observance of precise forms. The Commonwealth has no legislature, it has no premier. Corresponding to the famous "spirit of Geneva" there is a British spirit, which brings these heads of nations into consultation and readiness to coöperate. There is a relation now, not so much of mother and daughters, but rather of elder and younger sisters. Parental authority is gone, but there is still a strong family feeling. True, the elder sister has more wealth and sense of responsibility than all the younger sisters combined. Sisters of various ages go to Geneva and speak their own minds on world problems, as easily and as often separate as they are unified. They go to London (or Ottawa, 1932) and similarly speak their separate minds, striving to persuade

each other, but no one dictating to the others with pretense of authority. Here is one of the strangest anomalies of present day comparative government, a British empire (which remains in being as regards the crown colonies) gradually and in recent years rapidly transforming itself into a British Commonwealth of Free Nations. Its cohesive strength is in inverse proportion to its provision of mechanical tools for common action. It seems to be in no hurry to acquire written documents or binding habits which shall compose its commonwealth constitution. Its way of life is evolving before us and will continue to evolve.

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CHAPTER III

FRANCE

As we leave the "mother country" and its dominions and begin to explore a less familiar terrain, it is natural for us first to cross the English Channel. If we begin to consider the typical state, that is, one that is unified, secular, and national, it would be generally agreed that France is among the oldest and most firmly established in the world. She brings down from the long past a tradition in literary culture, in science, and in the administration of public affairs, whose depth and sweep and breadth of influence entitle her to high consideration as a capital center of civilization.

Revolutionary experience. Since her uniquely significant revolution in 1789, France has been the source, for all continental Europe, of the political ideals of "liberty, equality, fraternity." So also of self-governing democracy as an ideal for government, although it must be admitted that the satisfactoriness, even the workableness, of that ideal has been often questioned. Indeed two earlier experiments in self-government under republican forms (1793 and 1848) were tried in unfavorable circumstances and led straightway to despotism. On the other hand France's administrative system, as shaped and instituted by Napoleon, has been widely studied and imitated, not in Europe alone but all the world over, the supreme example of the application of political science to the life of society.

The present "constitution" of France dates from 1875, and the regime now operating is called the Third Republic. The very fact that it is called "Third" suggests that there have been difficult vicissitudes in constitutional life during the fifteen decades since the great epochal revolution of 1789. A series of French republics, monarchies and empires have succeeded each other at relatively short intervals: in a short eighty years she endured the succession of eight regimes of sharply contrasted character. This

is not to suggest that a revolutionary habit has been formed, or that government ever declined toward breakdown into anarchy; the French administrative system, as the permanent core of government, went on little disturbed, maintaining and developing private rights and public law principles, as flexible and firm as was England's corresponding achievement in combining the permanence of common law with present day parliamentary control.

Monarchies and empires. But as regards the more strikingly interesting question of fundamental political structure, and who or what is at the head of the French state, a nationally acceptable agreement proved difficult to reach. There was the powerful tradition of the Bourbon monarchy, which had grown from the late middle ages to culmination in the *Grand Monarque* Louis XIV (1643-1715), the "sun" in whose rays the nation was theoretically supposed to have found light and warmth and its very life. After the close of the "golden age," incompetence and corruption might cause the prestige of a Louis XV to decay, might even bring the deposition and decapitation of a Louis XVI (1793). After the great Revolution had eventuated in the First Republic (1793-1804), and the international conflicts in which the new republic became involved had been added to other elements of internal strife and degeneration, there was imperative demand for the reëstablishment of clearly recognized leadership. Napoleon's extraordinary competence in the military art and in administrative organization developed a governmental ideal of "empire" that became a modern competitor with the traditional idea of "legitimist" monarchy by divine right. Hence, in contrast with the Bourbon monarchies, prior to 1791 and under the Restoration (1815-1830), there came two "empires" under the First and Third Napoleons, both purporting (1804-1815 and 1851-1870) to rest on the people's will as expressed in plebiscites; both, however, being self-responsible and autocratic in their essential organization and driving force. Since its birth in 1791, the republican idea in France has always suffered from the embarrassment of this dilemma: either a republic had difficulty in finding a head for leadership who was adequate to its needs,

or its head became too ambitious and powerful for a republic's safety, and threatened the reestablishment of despotism.

Louis Philippe. To complete the picture of historic regimes which compete for Frenchmen's loyalty, we must mention the experiment (1830-1848) of Louis Philippe, of the Orléans dynasty. This family had royal blood, but was of a younger branch, hence unable to claim the throne by strictly "divine" right. Parliament was there to provide an additional, a popular, foundation for the throne. Louis Philippe was willing to take his green umbrella and walk upon the street, to show the world that he was a real man, and could chat and kiss babies. But his regime suffered the fate of all mixtures of contrary ingredients, especially in the judgment of the logical French mind. Being neither entirely royal, nor entirely popular, it was an illogical compromise, and fell between the two stools. Parliamentary statesmen were without the prestige of a leading aristocracy, nor could they command a genuine, general following among the people. Furthermore they were unable to find a satisfactory solution of certain trying problems of policy that arose, foreign and domestic. The Orleanist regime never evoked an active fighting loyalty, and fell to pieces under the impact of the Europe-wide social revolutionary movement of 1848.

National defense, 1871. Napoleon III's Second Empire, founded on palace intrigue and force and a sham appearance of popular votes, suffered hideous disaster in the Prussian victory at Sedan in 1870, and fell in flat ruin. Court plotting, a characteristic risk of autocratic government, had discredited the very name of monarchy, whether Bonapartist, Orleanist, or Bourbon, since it had involved the nation in humiliation. The way was clear for republican self-government, if one could find statesmen able to express the ideal and to execute it. But in the presence of foreign invasion and the risk of internal anarchy, the first necessity was for action, necessarily revolutionary and without authority of law, to fill the constitutional void and save the pieces out of the international disgrace. Gambetta and a few other resolute, confident men called themselves the Government of National Defense and patriotically assumed command. Government during such a crisis was not so much a power as a series

of cruelly hard tasks—to organize new armies for defense; and when that hope proved vain, to send Thiers on tour to appeal to European neighbors for military or at least diplomatic help; and when even that hope proved vain, to negotiate with the victorious Prussians, who were by this time in military possession of the nation's capital. An election was held in January, 1871, to constitute a national representative body which could give the nation's answer to the basic question, whether to continue fighting in the forlorn hope of desperate defense, or to surrender to a peace imposed by Prussia. The Assembly, elected for this ungrateful temporary, non-recurring purpose, performed its task of making peace—and then continued in legal existence for a further period of five years. Without adequate legal warrant but without embarrassing legal limitation, the Assembly assumed authority to govern France as her practically sovereign Parliament, passing legislation and supervising administration. To cap the climax, the Assembly framed, debated, and finally adopted three fundamental statutes to settle the principal questions regarding the constitution of the national government. This was done by the Assembly without any clear authorization by previous mandate, and there was no subsequent confirming popular vote—nevertheless these three statutes form the sole documentary basis of the present French constitution.

Constitution of 1875. These three constitutional laws just referred to were passed February 24, February 25, and July 16, 1875. They are very short, a mere meager outline. But the most surprising feature is the fundamental quality of the regime they establish—a republic. A large majority of the members of the National Assembly were in favor of monarchy, sentimentally or by conviction, perhaps only 200 out of 700 members having any faith at all in the republic as a satisfactory regime. But the monarchist, restorationist majority was hopelessly divided. There were 70 adherents of Bonapartist empire, 150 of Legitimist or absolute (Bourbon) monarchy, and 250 of Orleanist or constitutionally limited monarchy. This division being a matter of sentiment even more than of reason, the gulf could not be bridged, there could be no rational compromise. The strange net result of this monarchistic but deeply divided Assembly's

work was the founding of the "third republic." Yet this proved by far the most enduring system since the ending of the old regime in 1789. The republic proved fairly adequate for the solution of difficult peace problems, and was even capable of bearing the crushing burdens of the World War and its aftermath.

The word "constitution," if it be applied to the three statutes of 1875, must be taken in a sense that is much nearer to the English than to the American meaning of that equivocal and much debated word. Supposing these statutes to compose one foundation document, framed at one time with conscious purpose, it is by no means complete; there is no pretense that all constitutional authority can and must be ultimately traced to it. Such essential features of the sovereign nation's will as the establishment of the administration and the courts, regulation of finance and the suffrage, and the Declaration of the Rights of Man (1789) as a freedom-guaranteeing limitation on government's authority to deal with individuals—these matters are not even mentioned in the three constitutional statutes. Yet the continuing validity of these institutions is unquestioned.

Amendment process. A process for amendment was provided, which was designed to be very easily applicable. The great majority of the Assembly hoped for early, far-reaching changes, though they were perforce accepting the republic as a temporary solution: Thiers called the republic "that which divides us least." In this amendment process the Senate and the Chamber of Deputies must first make separate (but identical) declarations of the need and matter of amendment. Then the two houses meet as one National Assembly in the Versailles palace and vote without debate on the amendment-proposition, adopting or rejecting by a favorable or unfavorable majority vote of the whole joint assembly. There is no popular control by plebiscite, there is no preliminary authorization or subsequent ratification by local communities: the action at Versailles is final. Naturally the Senate is reluctant to agree to the meeting of a National Assembly at Versailles; for its 314 members, even though they were united, could be swamped by a Chamber of Deputies which has twice that number. The Senate's unwilling-

ness to vote an amendment proposal is enhanced by the consideration that after a specific proposal has by adoption in separate sessions of Chamber and Senate brought about the meeting of the National Assembly at Versailles, there seems to be nothing but that body's conscience to prevent it from proceeding to other propositions (as was once done on a meager scale, in 1884) and voting them, without previous debate, without previous senatorial agreement.

The method of amendment provided in the constitution has been used but three times, 1879, 1884, and 1926. It might be said that during the past fifty years the constitution has not been amended, save for the somewhat doubtful exception of the financial reform of August, 1926, which added a supplementary article. Since Premier Poincaré was able to persuade Parliament that the allocation of certain fruitful taxes to the support of the sinking fund was essential to the "saving of the franc" and to the avoiding of disastrous inflation, he caused this provision, essentially financial rather than constitutional, to be legalized at Versailles instead of at Paris, a solemnity that should impress and bind the nation's conscience.

Adaptation. Nevertheless, since 1884 extensive changes in the mode of national life have been made without going to Versailles, by the simple processes of administrative development and ordinary legislation. Perhaps it is fair to say that France's constitution is in this respect substantially like Britain's; that is to say, the legislative processes and gradually changing usage sufficiently account for the form and contents of the constitution. One should no longer try to classify the French constitution as rigid, after the manner of the American; rather it is highly flexible like the British. There is no scheme by which a popular initiative may be set in motion to alter the constitution against the will of parliament. The formal process of amendment by parliament has been almost never used, notwithstanding its apparent simplicity; it is hardly usable. But equally efficacious processes of development of the nation's way of life are going on constantly. Of crucial importance is the fact that no supreme court guards the constitution's superiority

and intangibility after the American manner, by declaring void a parliamentary act which it finds out of harmony with the provisions of that document.

PRESIDENT

Tradition of *gouvernement*. The effective control of government and politics under the republic is found, as in England, in the action of Parliament, particularly the Chamber of Deputies. But, again as in England, those operations can best be understood after a description of the executive. This is not to suggest that there is in France anything corresponding to the royal prerogative, out of which, in the long process of English history, flowed the creative acts that produced governmental agents and processes, which have been ultimately democratized and yet retained under the name of the "Crown." The majesty that doth hedge about a king has been completely dispensed with, during a period of two generations. But the mighty tradition remains, founded perhaps in equal parts by Louis XIV and Napoleon, that the task of government is to be performed by the *gouvernement*. This word, though translated "government," does not as with us include representative and judicial and local administrative bodies, but is restricted to the high-placed officers of the nation's executive, who used to be the king's, and now are the nation's servants. Though its Parliament indirectly but effectually names and supervises and incessantly criticizes the ministers, it is the executive or *gouvernement* that governs, actually and in concrete detail.

Thiers. How the headship of the executive should be organized has been one of the most troublous questions of modern constitutional history in France. Its present solution, dating from the 1870's, was almost casual. A permanence of seven years was given to the exalted executive office of Head of the State, to which General MacMahon was elected in 1873, which date, it may be observed, was two years before the adoption of the constitutional laws. Even prior to that, Adolphe Thiers had been "chief of the executive power" during the trying transitional period, maintaining a position which contained elements that remind us of both the later presidency and the later premier-

ship, as subsequent events have developed those offices. He conducted the executive function, and as such was president. But he was also political leader of the National Assembly, and resigned when he lost that body's confidence; as such he was prime minister.

MacMahon and Grévy. After Thiers's resignation in 1873, MacMahon as chief executive appointed various men one after another to the Ministry, who should conduct the executive. Those ministers and the leadership of them might change, partly under the impulsion of the seven-year president, partly as demanded by the National Assembly, and (after January, 1876) the two houses. MacMahon had been elected as a professed Bonapartist. It had been expected that after a short recuperating period, the nation would find itself sufficiently recovered to return to normal conditions and restore monarchy, either "royal" (Bourbon or Orleanist) or "imperial" (Bonapartist). The crisis came in 1877, when MacMahon strove to keep in office a Ministry clearly against the will of Parliament. He even carried it to the point of dissolving the Chamber, hoping that the country would send back a representative body that was ready to hold up his hands. He found instead that the nation was decidedly against him, or at least was opposed to the constitutional principle for which he was contending. After a few months President MacMahon gave up his ill-starred design and resigned his office in disgust. The two houses immediately elected one who proudly professed himself to be a firm believer in the parliamentary republic (Grévy), and ever since that time the president has accepted his situation gracefully: he is the seven-year occupant of a semi-royal position as merely titular head of the state. This office is republican, since he is elected, and is not a king or emperor, but it is to most intents and purposes the equivalent of the British constitutional kingship, if we leave out of account the relatively short period of his incumbency of office and the complete absence of dynastic hereditary dignity.

Semi-royal status. During the brief period of his occupancy of exalted station the president plays a role in politics and administration that is substantially royal; but, compared with the average English king, an average French president is likely to

be somewhat more active in connection with the current administration of affairs. As nominal head of the state he sends and receives ambassadors; with pomp and circumstance he plays the game of royalty, visiting kings and being visited by them. He resides in the palace of the Elysée in the heart of Paris, and his also is the country palace of Rambouillet. But while he does not reign, neither does he govern, in anything like the degree to which that role is played by the American president. He must be neutral, above and outside the parties. The administration of foreign affairs is the field in which he finds the largest play, but there again his role is distinctly inferior to that of the foreign minister. In meetings of the ministry the president may participate in debate, and if he does it with finesse his intervention has considerable likelihood of effect, especially in view of the fact that his suggestions make their appearance while the matter is still fluid, under discussion that is free because confidential. Nevertheless, through it all, we must bear in mind that he does not bear the responsibility: that belongs to the premier and the ministry. To the public he may not appeal in behalf of one idea or man against an opposed idea or man or party.

Election. Under the provisions of the constitutional acts of 1875, the president is elected by the two houses sitting together at Versailles. They have not been elected with the presidential election looming large in the mind of the voting people. In case a president should die in office one Parliament may even have more than one president to elect. The very idea of the people's directly voting for this high office is carefully excluded. Men remember that the popular vote (plebiscite) is traditionally associated with Napoleon I (1799-1815) and Napoleon III (1848-1870). Both of these men notoriously abused the plebiscite as a means of giving a pretended popular basis and sanction to measures that had been prepared in the executive palace, to be forced through by military pressure under suspension of popular liberties. To the French public mind the plebiscite thus became a symbol of the fraudulent appearance of popular ratification, forced under circumstances which exclude the free expression of the will of the people.

Though the presidency is not endowed with significant governing prerogatives, parliament never suffers from a lack of active energetic candidacies. The office exercises an irresistible allurements as the supreme goal for the ambition of leading politicians, though it seldom falls to their lot to win; witness the failure of Clémenceau in 1920 and of Briand in 1931.

Successful candidate types. The National Assembly at Versailles is called for the elective purpose thirty days before the expiry of a president's seven-year term; upon the death of an incumbent it is immediately summoned. In joint meeting, without receiving nominations and without discussion, it immediately proceeds to the ballot. The voting is secret, every man's motives being subject to his own judgment alone, not that of his constituents. Personality counts, so does principle; so no doubt does party, but never in a degree to compare with the election of an American president or the parliamentary election that produces a British premier. If on the first ballot no one receives a majority, subsequent ballots are held, without debate, until a majority is attained. Hitherto there has been no necessity of proceeding beyond a second ballot. These votings are accompanied by all the phenomena of trading and compromising, familiar to an American nominating convention. The successful candidate must be a safe Republican, a man of long parliamentary experience who is widely popular among the members of the Assembly. But he must not be too actively associated with any line of debatable policy, for that will cost him the opposition of strong adherents of the contrary policy. More often than not the successful candidate has been president of the Senate (this has occurred five times) or Chamber (three times), positions of high dignity, in which one has fostered the coöperation of many men of many parties, has played a conciliating role, has been prominently active without taking too strong a partisan political line.

If the presidential election has been necessitated by death or resignation, as has occurred nearly as often as the lapse of seven years, the new incumbent is elected for a full new seven-year term. There is no vice-president.

Appoints responsible premier. The president's duty, according to the constitutional laws, includes the vast miscellany of functions which a constitutional document usually assigns to the chief executive; but, as will later be described, practically all of this responsibility is really borne by the premier and other ministers, whose counter-signature is required by the written letter of the constitution, for the validity of those acts of government. The president *must* work, with what grace he can, with whatever premier and Ministry the Chamber chooses to follow. Aside from ceremonial performances (and beyond these, though there is no cabinet censorship of his speeches, he is generally reticent), the president's chief, most difficult function is to find these ministers, especially to find the premier, who will combine them to form a Ministry. He will probably have to go through this delicate process eight or nine times during his presidential term; Doumergue (1924-1931) had it a dozen times. But it must not be supposed that it is his judgment that determines their selection. He receives the advice of the presidents of the two houses of Parliament and the chairmen of parliamentary committees, as well as of editors and any other well-informed and trustworthy persons, as he searches for a prime minister who can put together a combination of ministers in whom Parliament will have confidence. They are not the president's ministers except in name. They are responsible to Parliament, and under the form of presidential selection and appointment, they are actually Parliament's executive committee. Parliament (indirectly) appoints them and anon readily dismisses them by showing its want of confidence, thus producing what is called a "crisis." It is the president's business, when a crisis occurs, to find another premier who can find and combine acceptable ministers, but woe betide a president who tries to select them according to his own judgment. He must merely engage in the indicative (pointing) rather than the selective task; for he is to put into office those whom Parliament desires. When Parliament does not yet know its own mind, the president's designation of one among several potential leaders may exercise a considerable influence upon its formulation of its will. It may be a help to the candidate; it may be a handicap. If

it turns out that the president has made a mistake, Parliament unhesitatingly refuses confidence to his appointees, and he must try again.

Millerand's experiment. The experience of President Millerand in 1924 is significant. Here was a strong-minded, experienced statesman. Nearly twenty-five years earlier, he had been the center of a great controversy, when he accepted office as minister (1899) against the will of his party; for the Socialists, being a group who were then making active propaganda for social revolution, were resolute in abstaining from collaboration with bourgeois parties. In spite of this conflict Millerand had long experience as a successful minister. In 1920 he was elected president, and made no secret of his large innovating ideas of what the president might and should contribute to the state by way of actual resolute leadership. Nevertheless, after three years of his presidential term, he was forced out of the presidency by reason of his publicly manifested desire to affect policy. Specifically, he desired to maintain in the office of premier M. Poincaré, whose National Bloc was pursuing a policy which Millerand regarded as vitally necessary to the nation's interest, particularly in foreign relations, as exemplified in the invasion of the Ruhr Valley to compel Germany's payment of reparations. Having practically gone on the stump to secure the election of a Chamber of Deputies that would support Poincaré, Millerand was chagrined to find that the country was rejecting his advice and sending back a majority of the "bloc of the Left parties." This new Chamber, fresh from the people, and mainly insistent upon removing "*Poincaré-le-Ruhr*," would not stop there. Herriot, plainly indicated by the Chamber for the premiership, would not accept office under a president who was so manifestly hostile to his new policy. Millerand's presidential attitude might be regarded as unconstitutional, at least in violation of familiar usage. This fact was now held to justify a course of conduct that was equally unfamiliar, unconventional, in retaliation. The new Chamber's potential premier (Herriot) now declared, in the Chamber's behalf, his firm will to sabotage the nation's *gouvernement*, that is, to refuse to assume the duties of the administration until it should be headed by a non-hostile

president. The strike of ministers had its intended effect: Millerand had to go. He resigned, and a new president was elected, Doumergue, who was willing to accept the now familiar kingly, and no more than kingly, role. As this episode was by way of confirming repetition of a somewhat similar experience of President MacMahon in 1877-1879, the point would seem to have been determined for a long time to come, perhaps permanently, that a president must have no ambition to lead politically. He may exercise a subtle influence, due to his experience and political art, but all that he does must be done confidentially and on the responsibility of the premier. Without that he must not exercise a visible, manifest influence for one, against another, line of debatable policy.

No veto. By the letter of the constitution the president has a veto on legislation. This is only suspensive, and may be overridden by an ordinary vote of the two houses. But, since all political action of the president is undertaken on the sole responsibility of the premier, who by definition possesses the confidence of Parliament, there is never any occasion for the use of an anti-parliamentary veto, and the function has fallen completely into disuse.

PARLIAMENT

We return now to Parliament, as the source of ministers, of their personnel and of the inspiration or the conditioning environment of their policy. We look first at the more dignified but less powerful upper house. In 1875 the National Assembly, which had governed since the fall of the empire (1870) and as a Convention had framed the constitutional laws, continued itself mainly in the Chamber of Deputies; but the Assembly now joined to itself an upper house, called the Senate. True republicans, concerned on principle to maintain unchecked the power of the people's representatives, were offended by this insertion in the body politic of an organ which so obviously involved a separation of powers, that is, a limitation against undiluted popular mastery. They were compelled to acquiesce in this course by the strength of the monarchists, who wielded a heavy majority in the National Assembly, and whose constitutional theory

required a check upon the popularly elected Chamber of Deputies.

Senators. After the leveling, destroying work of the Revolution of 1789 had been done there remained no nobility, economically and politically influential, out of whose members a House of Lords could be built. There were no federated states, to be represented as such. Nevertheless, in the American Senate there was a model which enjoyed high prestige, suggesting that there were certain advantages in bicameralism. In the special interest of stability and continuity, it was arranged that one-fourth of the three hundred senators should be appointed for life by the National Assembly, and as they died their places should be taken by new life members similarly appointed by the Senate itself. By 1884, however, the democratic republic as an idea had become so well founded and sure of itself that this permanent element, obviously far from popular control, and smacking of peerage, could be eliminated by constitutional amendment. As the life-term senators died, their position was made elective and assimilated to that of the other three-fourths. Fourteen elective senators were added in 1919 on the occasion of the return of Alsace-Lorraine to France. All 314 are now (as originally were the non-permanent 225) indirectly elected for a term of nine years, one-third being subject to election every three years. A man is not eligible until the age of 40, and the average age of senators is far above that of the members of the Chamber. Like the deputies, the senators receive an annual salary of 62,000 francs, plus free travel.

Election by colleges. Election of senators is by *départements*, which, with little or none of the autonomy of the American states, are the ninety principal local government administrative areas into which France is divided. To elect one-third of the senators, an electoral college is assembled every three years, in each case consisting of one or two thousand men designated in the following fashion. There are first (and perhaps the most important and influential) the half dozen or so members elected to the Chamber of Deputies by the half dozen or so electoral areas which compose the *département*, corresponding to our Congressional Districts. There are also the elected members of the

General Council, a representative body which has legislative and administrative functions within the *département* faintly corresponding to those of an American State Assembly; and there are the members of the *arrondissement* Councils in the *département*, again slightly suggesting our county commissioners. There are also representatives of the hundreds of *communes*, the small ultimate units for local administration. At least one comes from each commune, and in the smaller ones he is usually the mayor. For the larger communes there is a proportionally larger number, up to the maximum of 24 for a single large city (though the unique metropolis of Paris has 30). Nevertheless, the proportions and limits are so fixed as to result in an immense preponderance enjoyed by the representatives of the small communes, most of which are tiny and insignificant. This is quite in line with the heavy over-representation of the conservative rustic population, familiar in the state legislatures of the United States. As a net result it may be said that nine-tenths of the electoral college for a senator are very small people, politically speaking; they are of small-town caliber and of rustic quality. A preponderant influence in such a group is probably exercised by the Deputies, as would certainly be the case in America if a group of members of Congress were acting in the midst of the members of the state legislature, county commissioners, and a crowd of township supervisors. On the first ballot, and if necessary a second, a majority is required. If no majority has yet been attained (i.e., at least fifty per cent) a third ballot ensues, and now the largest vote, a mere plurality, prevails.

Long-run popular will. One point stands out from this description of the electoral college: many members of the Senate are very far from the voting people. Some of the electors themselves may, when voting for a senator, be as much as three and a half years separated from their own voters, since their own four-year terms as local councilors are near expiring. Similarly, some senators, whose terms are near expiry, are possibly even eight and a half years from the election which put them in office. There is a possibility therefore that the voting impulse of the people that is responsible indirectly for a senator's vote or speech is some twelve years stale. This would happen only in extreme

cases, but it suggests that, as compared with the Chamber of Deputies, the Senate does not represent the immediately present will of the people; it speaks from a more or less distant past; hence it is supposed to represent not so much the present as the probable will of the electorate in the long run.

✓ **Legislative function.** In senatorial action on legislation, the element of "ponderation" and of continuity is the chief consideration. The Senate's function is to secure reconsideration of the work of the more popularly elected Chamber, to have regard for the will of a France which is not necessarily the France of today. It is regarded as a valuable revising body, and the high caliber of its personnel gives it a possibility of improving the precision and scientific quality of legislation, for whose main features the Chamber of Deputies is responsible. In this sense it performs a function much like that often performed by the House of Lords in England. Not infrequently it delays the legislation demanded by the Chamber, and frequently it strips off "riders." Politically inferior to the Chamber, it has a social preëminence, which however is personal rather than corporate. Fully one-third of the premiers are from the Senate, and they suffer no disability from that fact, since the French practice does not follow the British but allows a minister to appear and speak in both chambers. Successful deputies look to senatorial election as a promotion. It is not representative of landed aristocracy nor of any particular classes of wealth. Nor has it the prestige of centuries of public service rendered, or domination exercised, by a leading aristocracy. Nevertheless it enjoys high regard, as being composed of the political élite of the French nation. The Senate pays great regard to seniority, has a very deep consciousness of its dignity, of personality counting more than party membership. It is perfectly able and often willing to break up the Chamber's proposals into separate parts and in lofty, dignifiedly insistent fashion, smother the Chamber's dearest legislative projects by postponement.

Finance. Finance, however, as contrasted with legislation, is a field in which the Senate has little influence. This is not due to any rule of the written constitution, nor to any ancient tradition such as the financial monopoly claimed and enjoyed for

two hundred and fifty years by the House of Commons. In fact the Senate has on rare occasions increased the credits appropriated by the Chamber, or inserted new ones, following the proposals of the Ministry. But in modern practice the Chamber generally sends up finance bills too late in the session, too near the time when those bills absolutely must go into effect, if administration is not to be paralyzed. The Senate is not strong enough to insist and precipitate a crisis; making dignified protest, it acquiesces.

Political control of Ministries? More important is the political function of making and breaking Ministries. While a fair, though diminishing, proportion of the members of the Ministry are senators—not infrequently senators become premiers as well, some of them among the strongest—it is the Chamber's will that actually determines the personnel, although by the literal terms of the constitution the responsibility is to both houses. At least the word *house* is in the plural, where Article 6 of the Law of 1875 declares loosely that "the ministers shall be collectively responsible to the houses for the general policy of the government." It long seemed as if this phraseology of 1875 meant a vague responsibility to *Parliament*, after the English manner, this function of holding ministers responsible resting in the hands of the lower house because of its being nearer to the electorate. But on several occasions it has apparently been the hostile vote of the Senate, not the Chamber, which caused the resignation of the Ministry. In the cases of Bourgeois's resignation in 1896 and Briand's in 1913, the truth is that the Chamber was no longer giving cordial support, was almost on the point of dismissing the Ministry, when the Senate vote actually gave the slight push that upset the Ministry by breaking the unstable equilibrium. It was said, however, that no Ministry that enjoyed the confident support of the Chamber would yield to a hostile vote in the Senate.

More recently, on the other hand, there are some slight evidences of a change of practice, of a tendency toward giving the Senate a real share in this weighty function. Herriot, hardly a year after he had led the Chamber to the triumphant overthrowing of President Millerand, did not feel himself strong

enough in 1925 to resist a senatorial vote of censure, and resigned. The Senate likewise unseated Tardieu in 1930, the latter premier actually maintaining the paradoxical doctrine that a Ministry must be responsible to both houses, that is, can and must serve two masters. Similarly the fall of Laval in 1932, and of Doumergue in 1934, was directly due to hostile votes in the Senate. Nevertheless, on the whole it is still true to say that the Senate in ordinary circumstances has little to do with the business of determining who is to be in the seat of executive authority; the executive may be said to owe its responsibility, its life and death, mostly to the Chamber of Deputies.

Special functions. In contrast with the United States, the French constitution gives the Senate no important special function, such as approving executive appointments, or consenting to the ratification of treaties. There is, indeed, this much of special function: the Senate's consent is required for a dissolution of the Chamber of Deputies. The Senate is also declared by the constitution to be the High Court for trial of a president or a minister, and a Court of Justice for trying any person accused of an attempt against the security of the state. This latter power was utilized, at the end of the World War, to pass sentence of exile upon certain exalted personages who were accused by Premier Clémenceau of having attempted negotiations with the enemy. But there was so much of obvious political animus in this prosecution that there could be strong doubt of the justice involved. It took only a few years to bring the wheel of fortune full circle; the accused were reinstated, and one (M. Caillaux) became minister of finance in 1926. The total result of the whole episode on the body's prestige was hardly a happy one, and this special function of the Senate cannot be regarded as an important one.

CHAMBER OF DEPUTIES

Suffrage. Both the center of gravity and the motive power of the French governmental machine are to be found in the Chamber of Deputies. This body is elected for a term of four years by universal suffrage, but without the tradition of a century-long struggle by which the suffrage right was gradually evolved,

as in Britain. One is eligible at 25 years of age. One may legally vote at 21, but as army conscripts are excluded, this practically postpones the vote to the age of 22 or over. "Universal," however, must be taken in the sense of the universal *manhood* suffrage, established in 1848. There has never been any strong movement for enfranchising women. Some politicians are found to manifest an interest in the matter. There are those who hope to strengthen the political position of the Roman Catholic Church by tapping the admittedly stronger Church piety of women and turning it into political channels. So also the socialist premier Blum (1936) appoints three women to under-secretaryships in his ministry, in token of his faith that the "Popular Front" might gain by the vote of the multitudes of female factory laborers. But between the extremes of Right and Left, most parties are willing to let well enough alone. The Chamber in 1919, for example, passed a bill of enfranchisement of women; the Senate rejected it by a vote of 156 to 134; the Chamber acquiesced.

Four-year term. Although the term of a deputy is fixed at four years, the constitution permits dissolution of the Chamber, with a new election immediately following, provided the president can get the consent of the Senate. But in sharp contrast with the English practice, this power of dissolution has not developed into the accepted and familiar process whereby the Cabinet cracks the whip of party discipline and essentially controls the lower house. The multiplicity of parties and the precariousness of any combination or balance among them makes it always extremely unlikely that a prime minister will see any hopeful prospect of appealing against the present Chamber for a better one; for he has no majority in the country which could send him one. No prime minister therefore ever advises the president to request the Senate's permission. The one occasion on which this presidential power was put in practice ("the sixteenth of May" crisis of 1877) was associated with the president's anti-Republicanism and turned out so disastrously to MacMahon's tenure of the presidential office that the experiment has not been repeated. This naturally diminishes premiers' and other leaders' disciplinary power over their followers; it increases the power

of the Chamber over the Ministry to a very high degree. Indeed the most recent years have seen the consequent ministerial instability progress to such disastrous lengths that there is much discussion of ex-premier Tardieu's project of reviving the power of dissolution, after the English manner, in order to enhance the authority of the prime minister. But notwithstanding Premier Doumergue's insistence in 1934, nothing has been actually accomplished in this direction, and the Chamber, though lacking political leadership or internal integration, still remains tyrannically dominant. Once elected it is practically sure of its full four years. It will look on and enjoy the entertaining process by which numerous Ministries will be set up and pulled down. The next Chamber will be elected because the calendar requires it, not because a popular prime minister is appealing to a higher power, the electorate, to procure a more docile or more accurately representative legislative instrument.

Single-member districts. The system of apportioning representation, as contrasted with the right to vote, has suffered a long series of changes, though this story of ups and down can hardly be called an evolution, or a story of progress. From the beginning of the republic, the country has been divided into *arrondissements*, now 615 in number, such as we would call congressional districts. These are, broadly speaking, equal in population, and small in size, having an average population of 65,000. There is no widely prevalent or manifestly familiar practice of the sort known to Americans as the gerrymander. Still somewhat the same distortion is produced by the natural process of population movement, especially migration to the urban centers, uncompensated by periodical redrawing of district lines. For example, it was observed in 1932 that whereas all the other parties elected an average of one deputy per 14,000 votes cast, with almost no variation above or below that ratio, the Communists could elect only one deputy per 38,000 votes cast. Furthermore, although this party had increased its vote by 150,000 as compared with the previous election, its representation dropped from 14 to 11. Whether designed or not, this seemingly gerrymandered result contributes to the Communist party's

revolutionary impatience with the workings of parliamentary democracy.

Each *arrondissement* elects but one member, the representative of the largest party among many minorities, and in too many instances this election is wholly a local affair, evidencing in little or no degree the result of a national appeal, decided on broad grounds of policy by the nation. The electoral outcome is usually the designation of a great number of small men, elected on small local issues. The demand was early expressed that this *scrutin d'arrondissement* (single-member-district count) be supplanted by a system which should allow instead the election of a considerable number of deputies, on one list elected as a whole, from a correspondingly large district, say a *département*, which, it must be remembered, is a large local area containing some half-dozen *arrondissements*. It was hoped that the enlarging of the district to which the candidate must appeal would diminish the town-pump pettiness of electoral politics and enable strong currents of national opinion to send nationally minded spokesmen, in place of the small-minded agents of what were early called "stagnant pools." In 1885 this ticket-at-large system (*scrutin de liste*) was introduced, providing that a *département's* whole representation (say six) be elected on one ticket, by the voters of the whole *département*, instead of six separate districts, each electing its one representative. Only one election, however, was held under this rule. In 1888 this system seemed to have given unduly large and tempting opportunity for the dangerous demagoguery of Boulanger, and the novel experiment was repealed in haste.

Proportional representation. The old evils remained, and again during several decades there was strong agitation for a better planned reform. The new demand was to restore the *scrutin de liste*, or ticket at large, but to add a scheme of proportional representation, of the sort with which Europeans were already becoming favorably familiar in Switzerland and Belgium. The Senate, however, was generally controlled by the strong Radical party, which stood to lose whatever the weaker parties might win as their proportionate share. It therefore resisted the movement and postponed from year to year the bills of the

Chamber for this purpose, even though they had been advocated and carried by strong premiers. After the war, in the midst of a Europe-wide enthusiasm for proportional representation as an indispensable instrument of the now triumphant democracy, a proportional representation bill was finally passed (1919) through both houses. This measure, however, was a hybrid thing, satisfactory to no one. Qualifications against true proportionalism had been insisted on by the Senate, on the initiative of the Radical party. A series of intricate special rules was inserted, which were cleverly designed to thwart the proportionalist's purpose and to continue the dominant party's power of enabling a mere plurality of votes (perhaps only the largest among many small minorities), to elect a majority or sometimes all of the deputies from a *département*. These contrivances almost completely spoiled the scheme, from the point of view of the advocates of true proportionality. With no satisfied defender, it is not strange that the act of 1919 was repealed in 1927, and France returned to the old and familiar "single-member-district" system. The ballot is secret. Elections are on Sunday, regarded as a holiday. Though there is no compulsory feature, the French voters turn out in surprisingly large proportions of those legally entitled to vote, usually some 82%. For the 615 posts there were in 1932 a total of 3617 candidates, an average of six per constituency. Over 200 of the successful candidates were men new to the Chamber.

Ballottage. House-to-house canvassing is not practiced, nor are political meetings a conspicuous feature of the campaign, but their place is taken by a universal practice of talking politics in the café and reading it in the newspapers, many of which are not real journals of information but rather organs of opinion, existing for the sole purpose of enabling the editors to have their say on the current questions. The voting must produce a majority, i.e., fifty per cent plus one. If this result is not achieved, there must be a second balloting on the following Sunday. At the second election the voter, though not restricted by law, does in practice choose one of the two candidates who at the first ballot have shown most formidable electoral strength, all others

having withdrawn. On this second occasion a majority is not required, the largest vote wins. In the election of 1928, this so-called *ballottage* was required in some two-thirds of the constituencies: parties are so numerous that a majority cannot usually be obtained, and only 187 deputies (about one-third) were elected on the first or regular election day (185 in 1936). In the *ballottage* or second-day elections there are alliances of several parties which hitherto have been vigorously competing, combinations in which, as between the two likeliest candidates, each other party chooses what it regards as the lesser of two evils, and then is accused by all competitors of corrupt bargaining—though they in fact are engaged necessarily in the same equivocal business themselves. The Radicals and Socialists,¹ however, agree oftentimes that they will all vote at the second ballot for whichever of the two has made the best showing on the first election day. But this sort of arrangement is local and variable, not regulated on a national scale.

Sectors, not halves. In the English case we saw that the very architecture of the House suggests division into two (necessarily only two) contending teams, which face and fight each other in presence of an umpire. In the French case there is nothing of the sort. The president of the Chamber faces an amphitheater of concentric semicircles of benches. Members arrange themselves in sectors from left to right on the general principle of radical opinion shading off towards conservative, with moderates at the center. The very names Left and Right have thus gradually acquired a corresponding suggestion of political description. The ministers, whether deputies or senators, have a reserved bench at the front of the Chamber facing its president. They are always members of a coalition of several parties. They make their addresses to the Chamber from a tribune below the president's chair (as do also the private, i.e., non-ministerial members), facing the whole Chamber, friends and enemies alike. There is nothing to suggest the duality of the English system, where the Government, with its front bench members and supporting benches behind them, face an Opposition with its own commander, staff and rank-and-file.

¹ So also the Communists in 1936.

✓**Presiding officer.** The president of the Chamber plays a role, regarding politics, that is halfway between the position of the American speaker and the English speaker. He is elected in the first instance by a political combination, but he does not use his position to effectuate any party's line of policy; instead he maintains an elevated position, with a considerable measure of impartiality, to enable the Chamber to do its legislative business, to ensure that fair consideration is given to all its constituent parties. He is not an impartial judge like the English speaker, but he is not a dominating partisan like the American speaker. He is something of both, but more of the former than of the latter. He cannot certainly count on a continuous series of reëlections; nevertheless, a successful president of the Chamber finds that his success in that conciliating role gives him sufficient personal popularity to indicate a probability of his re-election, and after several terms this may result in his ultimately becoming a natural candidate for the presidency of the republic, as in the case of Deschanel in 1920.

Committees by lot and party proportions. The committee system was for a long time an institution of such character as tended seriously to weaken the leadership of the Ministry in the Chamber. The body was divided by *lot* immediately after its election into eleven sections. Each section of the apparently elected members acted as a tribunal for the purpose of examining and verifying the regularity of its members' election. These sections, which were called bureaux, remained in existence throughout the four years and were the bodies to which bills were formally referred for preliminary, superficial examination. Then each bureau, as occasion arose for the preparation of the Chamber's legislative work, named one, two, or more of its members to an inter-bureau, examining body called a *commission*, for discussing and whipping a bill into shape. (This commission must be carefully distinguished from an American or English commission, which always has a function more nearly executive.) Because of the lot, used in the constituting of the bureaux, the inter-bureau commission, on the budget or any such matter, might or might not, as chance dictated, have a political composition that corresponded to that of the Chamber as a whole.

Its leading member, called its *rapporteur*, might indeed think of himself as a rival of the minister who was in charge of the bill. The *rapporteur* might in fact lead the Chamber to reject the minister's ideas, perhaps by his conduct in the Chamber he might even bring about the overthrow of the Ministry and be chosen in that minister's stead. This needless weakening of the executive was felt to be a serious procedural defect, and in 1920 the system of the commissions was completely reconstructed, the net result being very similar to the committee system of the American House. There are now twenty commissions (in the Senate twelve) constituted for twenty fields of legislative activity or of executive action that will require legislative provision. Each one is composed of forty-four members (in the Senate thirty-six), a reminder of the multiples of eleven (in the Senate nine), which made up the commissions when they were composed of delegates from bureaux. But these forty-four are carefully selected so as to produce in each commission a miniature of the Chamber. According to its membership in the Chamber, each of the dozen or so parties elects to each of the twenty commissions its numerically proportional share to make a total of forty-four. They are elected for one year, but reëlection is frequent.

Committee influence. These commissions (like the English standing committees) give opportunity for much of the detailed debate on measures submitted to them, and prepare bills for the action of the Chamber. Here in committees, with their specialized competence, is done a substantial share of the deliberative work of Parliament, though the complaint is heard that a relatively small percentage of the members make a practice of attending, to do the work of their committees. Their chairmen acquire an influence that makes them potent determiners of legislation and influential advisers of aspirants to the premiership, for they know who is who, politically speaking, and with just how much influence. Their members, by continuity of service, acquire a measure of familiarity with the matter of the commission's business. They may even, as at Washington, extend their power of examining measures till it becomes a serious encroachment on the Ministry's responsibility for the initiative and final

control of finance and legislation. In the Finance Commission ten years ago, there had developed a permanence, an *esprit de corps*, which became a matter of serious embarrassment to the minister of finance and even to the Chamber. It became Premier Poincaré's difficult task to seize the initiative into his own authoritative hands, and, because of the gravity of the fiscal and currency crisis, morally to force the commission to retreat to its proper function. For the most part, today, the *rapporteurs* have become, so to speak, parliamentary counterparts to ministers on the particular matter of administration concerned. But the *rapporteur* is chosen by and leads a body which is now a miniature chamber as regards its political composition. There is no longer the danger that a *rapporteur* shall represent a wholly diverse point of view from that of the minister and seriously threaten his responsible leadership.

Debate. Debate in the Chamber is spirited and pungent, more than business-like and informing. It is not carried on at so high a level of sobriety and expertness as is debate in the Senate; as compared with the House of Commons it is less conversational, more oratorical. On highly controversial matters debate easily degenerates into tumult, which the president attempts to control by the usual methods of a moderator, ringing his bell, expostulating, pleading, and as a last resort putting on his hat and thus closing the session.

Voting methods. Voting takes place by a variety of methods, which include (when matters are up for final determination) the members' depositing a ballot of Yes or No in an urn as it is carried about from desk to desk. There is some complaint of an abuse that has arisen and become notorious in recent times. On each member's desk is a pile of blue and white ballots for such voting "at the urn." By a trusted fellow partisan a member may have his ballots cast, and those of his party colleagues, even when they are absent. Ridiculous instances have occurred, of members coming into the Chamber and finding that their votes have already been cast for them by a party colleague, perhaps against their own desire, as they now express it. On the other hand, this practice easily degenerates into a petty, but natural and widespread, practice of equivocation and evasion of responsi-

bility. After one's vote has been cast in one's absence, and had its effect according to the requirements of a disciplined party's alliances and promises, one makes "rectification" of the vote, says how one would have voted if actually present. This declaration does not actually count. But it gets the publicity desired and perhaps improves the declarer's position with his constituents. This is pure equivocation, "voting" on both sides; but it takes place sometimes in considerable numbers on occasions when a critical vote is taken, where the Ministry must be maintained but the deputies desire to avoid embarrassment in explaining their position to their constituents. There is another method of voting, for use on especially solemn occasions. The members march up to deposit their ballots "at the tribune," close by the president's desk. Here there is no proxy voting, no "rectification."

Interpellation. Another feature of French parliamentary action must be distinguished, as contrasted with the English practice, on which in most matters the French Parliament is supposed to have modeled itself. As in England, much of the parliamentary control over the administration is exercised by the process of putting questions to ministers. In France, however, there is an additional device by which the Ministry is allowed to be frequently attacked and in the long run to be greatly weakened as over against the Chamber: it is called the "interpellation." A deputy puts to a minister a challenging question. It is not really so much a demand for information as an interrogative suggestion of doubt regarding parliamentary confidence. The act of administration that is challenged may be such that whoever was in office, irrespective of party or person, would have had to do exactly what was actually done. Hence the necessity of answering can only produce futile embarrassment to the minister who is responsible; the discussion may be wantonly exploited to weaken the prestige of the executive. But while the English House, after the question has been put and answered, allows no debate or vote upon the matter, this is just what the French interpellation allows and encourages. The theory of the procedure is that, after the matter has been ventilated by question and answer, the Chamber cannot legally get back to its agenda

or "order of the day" without saying so explicitly, and expressing its opinions or feelings regarding the matter which occasioned the interrupting question. After perhaps a lengthy debate, a number of resolutions (called *Orders of the Day*) are offered, signifying a variety of possibilities for the Chamber's expression of its attitude before returning to its normal order of business. These expressions of attitude take a wide range, from hostility through neutrality to friendship. Supporters of the Ministry are marshaled by all manner of appeals. Ingenious critics of the administration devise phrases which by clever innuendo shall collect the votes of groups which are critical, or oppositious for a variety of personal or factional motives, with the common purpose of sapping the strength of the administration's leadership and precipitating a crisis. From the early 1880's Clémenceau was a past master in this art, his ferocious destructiveness of ministries earning him the sobriquet of Tiger.

Weakening of the Cabinet. This practice of interpellation, as contrasted with the Question in the Commons, no doubt makes for a more sincere expression of the individual members' opinion regarding the day-by-day acts of the ministers, uncontrolled by government whips. By the same token it renders the Ministry's leadership highly precarious and emphasizes the mastery of the Chamber, not only in broad lines of policy, but as regards the detail of administration, where it is less appropriate, and more likely to be affected by passion in debate, or by journalistic or whispering or rhetorical demagoguery. The tender plant of confidence is constantly being pulled up for the examination of its roots, a process which is not conducive to sturdy growth. Of all things leadership is most vitally necessary to democracy; if parliamentary leadership is made too difficult, parliamentary anarchy is the probable result.

CABINET

The French cabinet system was adopted in frank imitation of the English, but the variances in actual practice are so wide as almost to require a separate vocabulary. One superficial departure is that there is no differentiation in personnel between Cabinet and Ministry; they are the same men. They are called

the "Ministry" when called together perhaps once a week for the general purpose of authenticating executive decrees and conducting the administration as a unified whole, with the president of the republic present and mingling in the discussion as he may feel fit and inclined. They are the "Cabinet" when the premier (the president of the republic absent) brings together his political colleagues for considering legislative policies, and their position as a whole in the face of the Chamber and the country. The Ministry is mainly administrative in function, the Cabinet political, spending much of its attention upon the consideration of parliamentary tactics.

Ministry. Each member of the body is at the head of a department, called a "Ministry," which has its hierarchy of bureaux and sections, and its civil servants, in some cases comprising vast numbers. These departments are not, as in England, offices of various name and form, the miscellaneous result of an evolution during many centuries, with wide variety among departments in point of salary and dignity. The French departmental system is mostly a creation of the nineteenth century, systematized and uniform, though there is of course much difference in dignity and importance. The number of independent ministerial departments has been gradually growing, from nine in 1873 to 12 in 1900, and 18 in 1934. There are also certain under-secretaries, for the representation of special bureaux in ministerial departments, and for the provision of quasi-ministerial posts to satisfy the ambition of clamoring politicians. These under-secretaries have sometimes been almost as numerous as the full-fledged ministers. They have the same relation of responsibility to the Chamber as the Ministry and lose their posts when the ministers resign.

Premier. The prime minister may be "without portfolio," but almost always he takes one department under his own administration. This choice is according to his own taste and individual capacity, sometimes foreign affairs, or justice, or (often before the war) interior, the last named office giving the premier immediate contact with the local government hierarchy, the appointment and displacement of prefects, with all that is thus signified in regard to official patronage and the power to "make" elec-

tions! Sometimes the prime minister may accumulate more than one portfolio in his own hand, but that is infrequent; more likely he will take that one to himself which has just been giving chief political difficulty, perhaps the temporary storm center of politics. Rarely is an ordinary minister appointed "without portfolio." Yet Doumergue's "national concentration" Ministry of 1934, formed to grapple with the menacing crisis growing out of the Stavisky affair, presented the extraordinary spectacle of the inclusion "without portfolio" of Tardieu and Herriot, two men who had long been well known as focal centers for antipodally opposed Right and Left blocs of parties. Most ministers are parliamentarians, but now and then there is a general or admiral at the head of the war or marine department. The Senate's membership provides a share, perhaps three ministers. But the proportion of deputies is large, and is on the increase.

Broker more than leader. The formation of a Ministry by the premier is subject to many of the influences that are familiar in the United States and England, but there are notable differences. The premier himself is in a position difficult for the American or Briton to conceive; for he is definitely not the leader of a broadly national party, indirectly put in his exalted position by the will of a majority of the voters. He lives his political life in Parliament, and there alone he finds the sources of his power. Not infrequently he is not even the leader of a parliamentary party; possibly, like Laval in 1931, not even a widely known figure. Briand, Poincaré, Tardieu, Barthou, and Laval had at least this one notable feature in common; they were not leaders of parties but were brokers, as it were, men capable of conciliating, persuading, or in times of special crisis commanding the various parties and leading personages to coöperation. By the pragmatic test we must conclude that this super-party or broker type is what Parliament usually prefers.

How is this man chosen? There is no obvious person, who as "leader of the Opposition" has been setting up an alternative program, moderately conceived, in the expectation of having to conduct government after his labors in opposition have succeeded in upsetting his rivals. For the Opposition which brought the last previous Ministry down to defeat has always been

heterogeneous, without cohesion, its several factions all tending to be extreme and irresponsible. Often it was not so much their victorious attack that produced the crisis, but rather a growing weakness in the governing coalition, or the defection of one of its members. Nevertheless, from his own expert judgment of the circumstances and from the advice of the presidents of the chambers, the president somehow chooses one man, who seems to be most clearly indicated as the one who can resolve the crisis and form an administration that the Chamber will support.

The premier, thus tentatively designated by the president's invitation, sets himself to his exceedingly difficult task of putting together a working team. But as captain he finds at once that he has too many would-be stars to conciliate, and they are full of irreconcilable demands, as to policy and personnel. Many a time the man who has been sent for by the president as the most likely candidate for the purpose, returns after days of intricate negotiations, to announce his failure. If he succeeds, he must not only satisfy his friends; he must give ministerial portfolios to a wide variety of sections of opinion in order to hold faithful as many parties or groups of opinion as possible, at the least a majority of the Chamber. Furthermore, an active, aggressive debater may have to be placated in his potential free lance criticism by the bestowal of a ministerial position of suitable dignity; he is "taken into camp." Similarly, even a small party group, if it stands at the center and holds the balance of power, may compel the premier to pay high for its favor: he must grant its members a disproportionately large number of ministerial posts.

Short-lived Ministries. The Cabinet, once constituted, is nothing like so strong as is its counterpart in England. The Cabinet's first duty is to remain politically alive, and upon this compelling task it must spend an inordinate proportion of its members' political force, with not much left for constructive legislative achievement. The Cabinet has always had to compromise principle in order to come into existence, in order that the premier may win enough groups to its active support to comprise if possible a majority in the Chamber, but sometimes (especially when a Radical premier must have regard to the Socialists) in order to win the benevolent neutrality of a large

non-participating and therefore irresponsible group, who could at any moment turn hostile and throw it out of office. With agile adaptation to the requirements of new situations, the Cabinet must continue the process of compromise in order to remain a going concern. Political mathematicians have concocted schedules, reducing the expectation of Cabinet life to an actuarial formula. This is perhaps futile. French Ministries have lived two or three years apiece, but that is very rare. Some Ministries have lived but a day; that also is very rare. Broadly speaking, an average Ministry can expect to survive about two-thirds of a year.

✓**Ministerial crisis.** There are certain very important further qualifications to be observed, in contradistinction to the English system. For one thing, the question of the Ministry's life or death is determined not by the nation at a general election, but by the Chamber itself. Then, too, with no two-party system there can be no swing of the pendulum in the voting nation. There are at least a dozen parties, but the largest never numbers more than one-quarter of the Chamber. Hence every Ministry must be a coalition of several parties, and some parties are found represented in practically all the successive Ministries. Another matter, closely connected therewith, is that the ministerial crisis does not mean as in England that one whole team goes out of power, drops the bat and goes out into the field, to give place to another coherent team. Almost invariably several members of the Cabinet that resigns are found in the Cabinet that succeeds. Perhaps even the prime minister reappears as such. His former Cabinet has fallen; that is, its unity has been interrupted. But, by throwing Jonah overboard and recruiting a new member of the crew, the captain is enabled to steady the ship and he continues to conduct it, with perhaps a slightly altered course as well as a slightly improved personnel. His colleagues being members of several competing parties, he cannot count on their permanent loyalty as teammates either to each other or to himself; he owes them little loyalty in return. Far more often the ex-premier, having received upon his own political head the heaviest blows that produced the crisis, withdraws entirely from office (not from Parliament) for a period of recuperation. Some

one of the members of his Ministry becomes prime minister and makes a new deal of the offices. But again, in the course of a few months the ex-premier, who has never really left the theater, is in a position to assume again an important role, perhaps becomes again the reigning star, all according to the Chamber's changing disposition. Thus could a Briand be prime minister of France eleven times.

Ministers' long but interrupted tenure. All this coming and going of premiers and Ministries, however, does not mean instability of the executive, as is so often alleged. It does mean an intense, constant interest by the people's representatives in the personnel of governmental administration, as well as in the process of legislation. The Chamber exercises supreme control through its successive representative bodies (Cabinets), which are frequently readapted to fit slightly altered situations. An individual minister cannot look forward to a long period of tenancy in his present department, though in rare instances even that may happen, as in the case of Delcassé, foreign minister from 1899 to 1905, and Briand in the same office from 1925 to 1931. But a prominent politician has every expectation, unless a fanatic or extremist, of being utilized in various capacities in many successive Ministries. He may go out of one department and reappear in another which has not even a remote relation to his previous experience. But this circumstance means, even more than in England, not that the executive is inexpert or unsteady, but that the minister does not actually direct the department's work; that is done by the permanent civil servants, who are in fact confirmed and strengthened in their dominance of position by this short tenure of office by ministers.

Ministrable. The rapid change from Ministry to Ministry means that a much larger proportion of deputies than of English Commoners are *ministrable*, that is, are men who have been ministers and who may be ministers again. The French member of the Chamber is not so likely as the English Commoner to accept complacently the position of an ordinary rank-and-file deputy. The frequent change of Cabinets involves a much higher chance of his becoming that extraordinary type of deputy, a minister.

For the *ministrables* as a class, then, the more rapid the turnover the better.

(The short life of Ministries does not necessarily mean a short official life for ministers. Examples abound of men in the Chamber or Senate who have held ministerial position repeatedly, though not continuously, over a period of twenty or even forty years. There are, it is true, Winston Churchills in England, but there is nothing corresponding to this phenomenon in American cabinet office. Men who are really *ministrable* in France may readily count on a long period of service according to their political capacity and supple adaptability.) In and out of a half dozen administrative departments they lead a life which is both parliamentary and ministerial. As in volley-ball and "scrub" baseball, there is a constant process of changing roles. The potential or little stars are many: there is less opportunity for dominating figures like Gladstone, who are mighty through their hold on the voting people. The French premier cannot command followers; he must persuade colleagues.

One final departure from the English practice may be noted. In France a man may rise from the permanent civil service to become a minister. This is not at all frequent, but it does happen, and is a symptom of the French readiness to regard administration as parliamentary and to regard Parliament and politics as intimately concerned with administration. There is not that great gulf fixed between the two, that we saw in England. Furthermore the ministerial department's experts (civil servants) are admitted to the floor of Chamber and Senate, not only to prompt their political master but even to explain what his proposals really mean.

ADMINISTRATION

Hierarchy. If England is the mother of parliaments, France is the mother of administrations. From the days of Louis XIV, the world has looked to Versailles and Paris for lessons in the science of administration. The eighteenth century, it is true, saw a dreadful decline in the actual practices of government under the incapable descendants of the Sun King. But this decline was more than made good by the extraordinary genius of

Napoleon. The latter's greatness was not only in military strategy and in boundless personal ambition, but in the administrative art as well. Since Napoleon's day the French administration has been held to be a model for world wide imitation. The principle at the center is *hierarchy*, a word which properly suggests ecclesiastical organization, though in the now current usage there is also a suggestion of the military. The main thing is a high concentration of authority in capable hands, with clear lines of subordination for command and obedience, leading up from a broad basis to the apex of a pyramid. The French administration has become famous for its symmetry, efficiency and incorruptibility. A large share of the best talent in the nation has always flowed into it, and the result is a noble tradition.

Strong tradition. Since the day of Napoleon, the administration has been the core of French government. It coördinates rationally the administrative tasks performed by the national and local units alike. Its members enjoy a high social consideration, which is not regarded as in violation of the great "revolutionary" principle of equality, since intellect and capacity, proved in exceedingly stiff examinations, alone give the title to entrance. These administrators are looked up to not because of aristocratic traditions or private wealth, but because they are the servants of the whole nation, the state's experts. Indeed the salary scale is notoriously and outrageously low; they are expected to take their pay in the coinage of social prestige. This administrative body has gone on from decade to decade governing France, on the whole efficiently and purely. There have been Republics to the number of three, there have been two Empires, and Bourbon and Orléanist monarchies rising and falling; but the administration always went on without much change, conducting the public affairs, providing for Frenchmen's needs, and respected if not loved by French men of reason.

Council of State. Since Napoleon's day the great corps of administrators has looked to a Council of State as its head. As at present constituted this body consists of four types of persons: (1) 32 councilors "in ordinary service," who are the main body of the Council; (2) 18 councilors "in extraordinary service," who are supplementary advisers, veterans serving without pay;

(3) 30 commissioners (*maîtres de requêtes*) and (4) auditors. All are appointed by the president or his administrative subordinates on the general principle that admission to the lowest rank is by an examination, that is exceedingly rigorous in its selection of men of elaborate training and high intellectual capacity, followed by promotion on service records from grade to grade, up to the position of councilors "in ordinary service."

The councilors are distributed among four administrative sections, each of which has assigned to it a number of departments of administration, which it advises; and one judicial section (its function described below) composed of five councilors and a number of commissioners and auditors.

Administrative scientists. In the Council of State we find the constantly renewed repository of administrative personnel and science, recruited from the elite of administrative service. It has been giving expert advice to governing agencies, legislative and executive, whether the latter were enclosed in a frame that was monarchical or republican. This coördinating and leading influence continues to this day, although, since the rise of Chamber and Senate, the Council of State is no longer influential upon the broad political determinations of the nation. It has developed by way of compensation a position in the judiciary which is equally important, and will be later described.

Interpretative expansion of law. But if the administration no longer controls legislation through the authority of the Council of State, there is a type of important legislative work which it does perform. Parliament is in the habit of passing legislation in the briefest imaginable terms; for example, the proportional representation act of 1919 printed in full would not require much more than half this page. But once a general authorization for governmental action is given in broad terms by Parliament, an endlessly operating mechanism is set in motion for producing decrees (under various types of names) by administrative officers, from the president and minister down to the prefect and the mayor. As regards this vast legislative product of decree-legislation, it is the administration, under the appellate control of the Council of State, which makes the law (that law which is not in terms of vague principle but of concrete rule).

that affects the citizen in his daily activity. From sunrise to sunset, in the highways and hedges, the Frenchman is under the watchful care and, as it often seems, the nagging hectoring domination of Monsieur *Le Bureau* with his endless paper work, his universal providence, his serene superior authoritativeness.

Bureaucratism. There are however seamy sides to the French administration, and it is Frenchmen especially who are calling attention to it. Every quality becomes a defect if carried to excess. The respect paid to the officer as such leads him into temptation. It may engender in him an official pride, which makes of jack-in-office an intolerable tyrant. Another defect is the stiffness of routine, tending toward closed-mindedness. When confronted with an administrative problem, a bureaucrat finds it much more easy to draw an answer from the filing case or card index than to think it out for himself. The old precedent has circumstances which are somewhat similar to the new case; it is safe to apply though it may not precisely fit. Furthermore, the exaggeration of the hierarchical principle makes one fear to do any thinking at all, when it is possible to shift the responsibility to someone above. From these sources there has flowed a flood of paper work and a cloud of irresponsibility which is the despair of many a clear-thinking Frenchman. There is also the danger to which a Napoleonized administrative organization is peculiarly liable, that along with the ultimate authority, all exercise of active-mindedness shall be monopolized by, or referred to, at any rate concentrated in the commander-in-chief. There is widespread complaint that centralization of administration has been carried to a dangerous extreme, that France as a whole suffers from anaemia at the extremities and congestion at the brain, that the habit of referring everything up to Paris is depleting or failing to develop the natural fund of individual self-reliance and energetic direction of corporate affairs.

Defect of coördination. On the other hand, critics dwell on a quality which would seem to be a certain degeneration, due to the stiffening of tradition. The several departments are only unified in their common subordination to one executive head. They are so many independent entities, ignorant of each other's work, jealous of each other's encroachments, unwilling to co-

operate. The finance department has none of the coördinating power that is exercised over all British departments by the British "Treasury." The Ministry is supposed to secure this coördination, but it is composed solely of the very persons who are to be coördinated. The premier cannot perform this coördinating function, because he is himself the holder of an engrossing portfolio, and because the politics of his precarious position deprives him of any real authority over what are after all only his colleagues: if he is too insistent these colleagues will pull away and his Ministry will fall apart.

Mutual jealousy and want of coördination are also found among the bureaus of any one department, reproducing on a smaller scale the evil hinted at in the preceding paragraph. Such authority as an English permanent under-secretary exercises, for coördinating the work of the various parts of a department in one coherent whole, is lacking in most administrative departments in France. Only in the foreign affairs and the postal departments does one find a secretary-general with unifying authority, analogous to what is universally provided in the British permanent under-secretary.

It may be surprising, but it is true that there is no central purchasing agency for supplies: every department is an independent agency, perhaps competing with every other. Again the French civil service is without any independent, inter-departmental staff agency such as the Civil Service Commission for conducting examinations or supervising recruitment or training or salary-fixing on general, uniform principles. So much attention has been directed to eliminating personal favoritism that dismissal of the mediocre and lazy has become almost impossible and that promotion according to merit is given slight opportunity to operate, its place being taken by a rigid, almost automatic advancement in rank and salary, according to seniority.

Bureaucrats unionized. Corresponding to this seniority promotion for the higher positions, it may be remarked that a vast proportion of the lower-grade employees of the state are unionized. The likeness of their position to that of the employees of private industry suggests serious problems as to their disputed right to strike and take other familiar *syndical* measures to better

their pitiable economic position. A final point may be noted, in sharp contrast with the English practice, viz., that this vast army of *fonctionnaires* (1,300,000, if we include the national and local government staffs and the employees of the state railway) not only has the vote, but may even be active in politics. They mostly support the Radical-Socialist and the Socialist parties, and in 1928 they actually elected twenty-one functionaries to the membership of the Chamber.

LOCAL GOVERNMENT

What the English call "local government," and characteristically leave to the responsibility of the governed, the French call administration, which used to be the king's business and is now the nation's. More and more in the nineteenth century this administration of local affairs has been brought under newly devised democratic institutions, for the governed to use if they will; but the ancient tradition that was implanted by Louis XIV is still powerful: that in the Sun of Versailles (now Paris) all men live, move and have their being. Furthermore, as was suggested regarding central administration, so here in local administration as well, the hand of Napoleon is still heavy; a quasi-military scheme was devised by him to supplement and correct the institutions engendered by the idealistic democracy of the revolution. As an army is divided among corporals of tens and captains of fifties, so the French mass of human material for army recruitment and tax-payment was regimented by Napoleon in units of four grades. Every square inch of France is apportioned to a *département*, of which there are 90. These are divided into *arrondissements*, very few in number; *arrondissements* are divided into *cantons*, and *cantons* into *communes*. These governmental units remain to this day, though two of them have shrunk to comparative insignificance.

Département. The *département* must not be confused with an American state. It was confessedly and purposefully deprived of any proud and persistent self-consciousness that ancient tradition might give. The old familiar provinces, redolent of history and suggestive of local loyalty, were ruthlessly abolished and condemned to oblivion in the revolutionary and Napoleonic period.

Their place was taken by new local areas with new boundaries, convenient in size, to be administered by a prefect who was to be a well-paid, omniscient little Napoleon in his *département*. Legislation of the later period placed in close association with the prefect a representative body called the General Council. This body is denied the privilege of expressing political views. It can hardly develop a *départemental* public mind. Its members, elected by *cantons*, meet for one short annual session (perhaps an extra one) to vote appropriations for *départemental* institutions. The prefect largely dominates their deliberations, he may to a considerable extent veto their vagaries and compel their compliance. In the administration of the *département* he is omnipotent, appointing to office, supervising institutions, spending public money.

Prefect. In recent times, however, the prefect has himself come under the domination of influences which would have been a source of astonishment and rage to Napoleon the creator. If the prefect is the master of his *département*, he is the cringing creature of Paris politics. His hope of promotion to a more important *département* depends on his subservience to the central authorities. He is not a locally elected and supported magnate, may very likely have no local feeling or sympathy. He appoints to office, directs the expenditure of money and conducts the police, with all that is implied in that term, of minute superintendence of the lives of his personal subjects. But what he does in these fields of activity is subject to minute direction by the minister of interior. This minister, who may even be the prime minister, is exceedingly sensitive to political considerations in the Chamber of Deputies. An individual deputy may desire an exercise of administrative authority in his local bailiwick, such as will "mend his political fences." This authority is the familiar matter of local patronage, such as appointments, permissions, licenses. To the minister of the interior the deputy drops a hint that his continued support of the Ministry depends upon his receiving administrative favors of the types that have just been suggested: he gets the patronage. The outcome of the operation of this "eternal triangle" is that through the minister the prefect is made to jump as the deputy pulls the wire. This procedure

subjects administrative action to the selfishly interested local and hence disintegrated control of the members of the Chamber. It is easy to exaggerate the extent of this type of influence, which obviously makes against sound administration. To measure it would be as impossible as to measure the effect of our own "courtesy of the Senate" and the resulting patronage in congressional hands, and congressmen's indirect but real individual control of local portions of the federal administration.

Arrondissement. The prefect finds his *département* divided into perhaps three or four *arrondissements*, 279 in all, each under the minute watch-care of a sub-prefect, who acts with the advice of an appointive *arrondissement* council. The *arrondissement* is of infinitesimal importance, governmentally speaking. These are hardly more than branch offices to facilitate the prefect's conduct of the affairs of his *département*. The sub-prefect is the prefect's eye to see, ear to hear, and hand to execute; as indeed the prefect is the eye, ear, and hand of Paris, which if not omnipotent and omniscient, is at any rate omnipresent in its influence.

Canton. Below the *arrondissement* are the *cantons*, perhaps a dozen in each, 3019 in all France. The only life possessed by the canton is found in its service as a convenient area for the conduct of the courts, and for the recruitment of the army. It is also by the use of cantons as electoral districts that the *département* gets its general council.

Commune. Aside from the *départemental* prefect, the only substantial vitality remaining in local government is found in the *commune*. Great and small, there are about 38,000 of these. As governmental entities they come down from ancient time, and have a continuous tradition as to boundaries and functions. Here is real vigor, though it is operating on a petty, minute scale. The voters of the commune elect a council, which holds a lengthy annual session and maintains in existence between sessions an elected deputation for continuity and permanence of the principle of popular participation. The council discusses and passes a budget, may also foster a policy of wide or narrow municipal activity, may even be tempted into the expression of political opinions, though the latter is likely to involve dis-

ciplinary adjournment or even dissolution by the higher powers. For the prefect, through the sub-prefect, maintains a watchful eye over the hundreds of communes under his charge.

Maire. The conduct of the commune's administration is committed to a *maire* (mayor). This official used to be appointed by the central government, but since 1881 he is elected by the communal council. All these elective persons must render gratuitous service, hence there is relatively little of professional politics, and the personnel tends to permanency. As the commune is one common form of organization, which is applied to great cities and to hamlets as well, there is considerable variety in the actual position and in the influence and scope of activity of these *maires* throughout France. Many thousands of the communes are so tiny that the work of administration is all done by the *maire* himself with the assistance of the municipal secretary who is likely to be also the local schoolmaster. At the other extreme there are large cities (with the exception of Paris, especially provided for), in which a numerous staff has been developed, sometimes with bureaucratic tendencies, with a wide variety of civil servants, low in pay but expert in service. If the *maire's* work of superintending all this administration is rendered unduly heavy by the size of the commune, adjoints or assistant *maires* are provided, all subject to his unifying direction. If the elaborateness of the commune's administration justifies it, the *maire* may be allowed a subsidy for expenses, but this is not allowed to become a living salary, a prize to be competed for. There are plenty of civil servants in the larger cities, who make a profession of their municipal service, but the whole administrative scheme rests upon the principle that the work of the permanent and professional civil servants is overseen and directed by elected men whose service is gratuitous, amateurs who are actuated by public spirit.

Centralized control. Naturally the *maire* will derive much of his policy from (at least must suit his policy to) the council which elected him, but he is never allowed to forget that he is in the first place a servant of the administration of France, and is only secondarily the spokesman for his commune. If he should forget, there is the prefect to check him; and in any case he is

constantly showered with decrees of executive legislation which come from Paris by way of the prefect. Under the guidance of his permanent staff, he is himself making a plentiful addition to that flood.

Many thousands of *maires* are never heard of outside their native hamlets save when they go up once in three years to the *département's* capital city, to participate in a senatorial election. On the other hand M. Herriot of the great city of Lyons is an example of a practice which French political life readily admits: a man may be *maire* at home, continually reëlected for thirty years, and at the same time deputy or senator, sometimes even prime minister in Paris. Such a distribution of attention calls for extraordinary powers, but in less degree, in many instances, the same principle permits men to perform a great amount of national and local service at the same time.

Paris. Paris, like Washington, Rome, and London, is different from other cities in its social position and its government. With about three million population she is nearly four times as populous as the next largest city, Marseilles. The concentration of unique national monuments in Paris, the record of the metropolis as theater if not producer of revolutions (1789-1871) are circumstances which combine to justify a special regime, in which responsibility is definitely borne by the national government, not left to the citizens. The minister of the interior appoints (and may at any time remove) two coördinate executive officers, the Prefect of the Seine (*département*) and the prefect of police. They are agencies of the central government, combining the powers possessed by both prefect and *maire* in the ordinary case. The prefect faces a council, of 80 members, elected in single-member districts for a term of four years. But, as contrasted with the ordinary municipality, this council does not elect the executive and cannot control him. The position is like that of a *département's* government, conducted mainly by the prefect, with an elective general council standing by, to budget and assist and comment—but not to govern.

To carry the authority of the prefect out in detail, there are twenty *arrondissements*, or wards, each with its *maire* and administrative staff. But the *arrondissement* has no elective coun-

cil, and is really not a political entity at all, but only a substation for the local exercise of the authority of the prefect, who exercises the authority of the state.

Regions. Allusion has been made to a point which becomes especially appropriate here: the tendency to excessive centralization, the expense, the delay, and weakness involved in constant reference to Paris. As a general thing these units mentioned are ill-adapted for effective operation, in a period one and a third centuries after they were invented. Manifestly the automobile and telephone make the *arrondissements* needless today; and in spite of extreme local political pressure Premier Poincaré succeeded in abolishing 106 of them. The modern requirements of sanitary science, penology, and education urgently demand a larger local unit than now exists. To build and maintain adequate sewerage systems, correctional institutions, and schools calls for funds such as most *départements* cannot provide. There would be enhanced efficiency and economy if several *départements* could be thrown together into, say, sixteen *regions*, such as are already functioning in the administration of the army (21), the judiciary (26), and education (17). These bodies (administrative if not political) would develop a dignity and capacity for public utility to which the *arrondissement* and *département* are too weak to aspire. Regions might conceivably grow toward the statehood of our own system, and that might involve problems of national unity and federal coöperation. But all this is in the realm of speculation.

EMPIRE

One feature of the French administration that remains to be mentioned is the colonial empire. Like Britain's, this is a vast area (4½ million square miles) and considerable population (over 60 million souls) and world-wide spread. But there is no commonwealth of free nations in the French case. As in the eighteenth century empire, which was largely lost by France to England, so in the new, modern aggregation of French dependencies, while there is the utmost variety, in social composition and mode of organization, there is unity in one point—they are all governed on the complete responsibility of the minister

of colonies in Paris. There have been experiments in the sending of a very few representatives of French colonies to the Chamber of Deputies and the Senate; and also in the incorporation of natives into the administration of certain colonies. There have been great colonial administrators, who built upon large far seeing plans, and whose constructions stand firm and grow.

But there have never been (in Northwest and Equatorial Africa, in Indo-China, in the French islands of the sea) any evidences of that most characteristic feature of the British Empire, the swarming off of members of the home stock, to found new, self-governing French nations in other parts of the world. All government is French in origin and returns to France for report. Even the experiment in mandate administration under the League of Nations seems to promise success only in the less advanced areas, which can be administered practically as parts of the French Empire. Syria and the Arabian areas, formerly under Turkish misrule, are restive and do not readily accept the French assistance, which savors too sharply of control and dominance.

JUDICIARY

Roman law modernized. When we turn to the system of law and judiciary, we find in France a different picture from what was seen in England. The law is not a purely native product of French genius; furthermore France's leading position in juristic scholarship has made her law tend to world universality, as contrasted with the insularity of the English law. She built upon the Roman law codified by Justinian (529 A.D.), which Gauls and Frenchmen inherited when the Roman Empire broke up, and which modern France is constantly adapting to new needs and uses. In this type of scholarship the French have been stirred by the able rivalry of the Dutch, Germans, Italians, and all the other sharers in the inheritance from Rome. Her law is a system based on the elaboration of ancient Rome's scientific jurisprudence and now common to the world of Romance speech, not (as in England) naïve and native to the citizens of one nationality alone.

Napoleon's codification. Another peculiarity of the law might be traced to the supposed French penchant for reason and

system. The immense mass of legal rules and institutions was codified not only by the Roman emperor Justinian, but again for the modern world a century and a quarter ago. There had been generations of private effort by learned men in this direction; the brusque gesture of Bonaparte put a final termination to this scholarly effort, and five codes were issued (1805) which bore the imperial name of Napoleon. This was to constitute what he later, in exile, called his proudest title to fame. All that he gave to these codes, however, was comprised in his masterful unification of the state which assumed their authorship. He was no jurist, but he had able juristic scientists at his disposal and now and then was willing to cut Gordian knots with the sword of his absolute authority. Many a point of policy or of juristic debate could thus be brought to definite settlement, by his legislative *fiat*. It is sometimes thought that the existence of these codes has been an obstacle to the sturdy development of parliamentary life on an independent, self-respecting basis of national spokesmanship. So much of legislative work had been done once for all that the nation's legislative capacities could no longer find worthy expression, since the legislature's function had become merely one of writing footnotes and modern corrections upon the great legislative work that had been achieved once and for all. However that may be, France has for 125 years enjoyed the tremendous benefits of a law which was systematized in scholarly fashion and clarified by reason consciously and purposefully applied. Any American lawyer will realize how diametrically opposed this method is to that of the Anglo-American common law, the living residuum of a thousand years of legal experience, precipitated in usage and principle, but never reduced to juristic order save, as it were, in a few individual paragraphs.

Courts and administrative hierarchy. Regarding the system of courts, the first thing to be said is that it is modern, a creature of modern regimes since the Revolution. It does not look back to a thousand years of influential leadership under the aegis of the sovereign, as in the English case. While the English courts stand apart, on a lofty pedestal, French judges are much like other French officials. It is almost true to say that the judiciary is only a more specialized branch of the administration, with all

that that means, in the way of subordinating the law to the will of the state, whether the state be organized for the time being in free and representative, or in arbitrary, autocratic fashion.

Juge de paix. The judiciary is organized according to highly rational administrative principles, with practically no extraneous influence surviving from popular or absolutist tradition. The lowest tribunal is that of the *juge de paix*, who must not be confused with the English gentleman in his unlearned but dignified role as justice of the peace. This *juge* has a trifling jurisdiction for settling cases; his chief function is rather, as a mediator between disputants, to enable them to avoid litigation, but to do it by a legal rather than an arbitrary principle.

Cassation. Above the *juges de paix* there are Courts of First Instance, one in each *arrondissement*, consisting of three judges; and above them there are Courts of Appeal, each of which, with five judges, has jurisdiction in one of sixteen regions. Receiving appeals from these Courts of Appeals is the *Cour de Cassation*. This body, numerous in personnel and divided into many sections which multiply its capacity for business, listens to allegations from below that the tribunals have erred in their interpretation and application of the law. If this allegation is sustained the Court "quashes," i.e., visits with *cassation*, the erroneous decision by the lower court. The case is remanded for trial once more, with the law thus corrected. Dissenting opinion is not recorded and public opinion is spared the scandal of close five-to-four decisions.

Assize. It should be added that there are special courts of Assize for trying criminal cases on the local scale—one in each *département* held by three judges drawn from the Courts of Appeal. This is the only court which uses a jury. The personnel of the jury includes substitutes, a practice which avoids the necessity of retrial in case of one juror's becoming incapacitated. The presiding judge puts to the jury brief categorical questions of fact for the members to answer by Yes or No. The verdict is by majority, not unanimity. On the basis of the jurors' answers the court pronounces sentence. One more remark may be in point regarding methods in criminal trials, because this matter is so often misunderstood when it figures in world-famous *causes*

célèbres. It is not true, as is often alleged, that the prisoner is assumed to be guilty till proved innocent. Not at all. But what is equally surprising to an Anglo-American, the examination of the prisoner is not left to the lawyers. The judge himself takes it in hand, always with vigor and sometimes with harshness, which may be partly justified by the fact that no prisoner arrives at that point unless circumstances are strongly presumptive of his guilt. What we call the prosecution (the French *instruction*) is conducted by public officers who are definitely regarded as a branch of the court.

Save in the case of the *juge de paix*, the French go on the principle that a judicial tribunal must not fail to include a multiplicity of minds. In their own phrase, *juge unique, juge inique*, (a single judge must be an unjust judge), hence one addresses the court not as "your honor" but as "*Monsieur le Président*."

Judges appointed, not elected. Regarding the recruitment of the judiciary, the French use neither the English nor the American system. There is no election; all are appointed, principally by the president, as in England by the Crown. This of course means appointment on the advice of the minister of justice, who is at or near the head of the world of parliamentary politics. But the judges are not appointed out of the ranks of leading advocates, as in England. A young man entering the legal profession chooses one of two entirely separate branches, and prepares and conducts himself accordingly. One preparation leads to the practice of advocacy before the courts and that is its end. The other course is that of official service to the court, and leads to membership in the court. The judges are appointed from the ranks of judicial clerks and assistants, rather than from the successful practitioners. This cannot help influencing the mind of the judiciary in the long run. A judge so appointed is perhaps not likely to assume a strong, independent position in which he can afford to defy politics and public opinion in fidelity to the profession's own standards. For in order to be advanced in career one must be a conformist, perhaps a rather timid observer of departmental tradition.

No judicial review. There is no control over Parliament and administration, exercised by the courts in behalf of a written

constitution. The terms of the documents of 1875 are meager and they have not given rise to any interpretative function of the courts at all similar to the American Supreme Court's function of guarding the written constitution. No one pretends that the French courts would have sufficient prestige to hope for success in annulling an act of Parliament for unconstitutionality.

Administrative judiciary. Control over the administration is quite another matter. Ever since its reorganization by Napoleon, the administration, called the *gouvernement*, has enjoyed immense prestige. What French jurists call the "separation of powers," in sharp contrast with our interpretation of that famous phrase, was made to mean the separateness, the freedom, of the work of the administration, its superiority to interference by the courts: not only separation but emancipation. The post-Napoleonic administrator as such, if he is justified in his actions by "reason of state," need not fear to be thwarted or held under the rein of a judge on a bench. *Salus populi suprema lex*. Nothing must interfere with the vigor of administration. But—once that end was attained beyond question, the administration could afford to develop within its own walls a haven of refuge, real effective justice, to be freely enjoyed by all concerned, not only administrators, but all private citizens with whom the administration has dealings.

Originally the administration acted purely by administrative method, i.e., by the decision of individual officers; but early in the nineteenth century special tribunals were developed within the administration for settling disputes within its own personnel, and between members of the administration and private citizens. This was something after the manner of courts-martial, for enforcing military law and giving a legal, not merely arbitrary, sanction to military discipline.

In the long process of time these tribunals, called administrative courts, have developed a function which though difficult to describe in terms of Anglo-American law, is yet a commonplace to continental Europeans, and is universally felt to be of priceless value. And this value is not only to the administration, as securing unity and discipline. In the multifarious contacts between an officer of administration as such and a private citi-

zen as such, these administrative courts have developed an excellent commodity. It may not be "legal" justice with every man (official or private) absolutely equal before the law; but it is administrative *justice*, and the Frenchman prizes it highly.

Local councils. The machinery is simple. The court of first instance used to be the Council of the Prefecture in the *département*. Now by very recent legislation, it operates on a somewhat higher scale, serving an area which is usually composed of several *départements*. These bodies of first instance, however, are mainly concerned with appeals against allegedly unfair tax assessments, an obvious example of contest between the administration and the individual, where there is plenty of opportunity for friction, with need not only of a few fixed legal principles but of fair, common-sense judgment of human conduct.

Council of State. From these courts of first instance appeal may be taken to that body which Frenchmen generally have in mind when reference is made to administrative courts, viz., the Council of State. This supreme tribunal (like the *Cour de Cassation*, which is supreme in matters which do not involve the administration) is of numerous personnel, and is divided into many sections to multiply its capacity for work, yet consolidated. Although the Council is not formally bound by its previous decisions, a body of such high personal and professional caliber could not escape the tendency to consistent continuity. Accordingly the past 125 years has seen a history somewhat like that of the Supreme Court of the United States. Of course there has been no written constitution to interpret: upon that point the comparison fails. But each tribunal has done a great creative work of developing legal principles around and out of a few fundamental constituting ideas. Those legal principles have been made to apply in varying circumstances to a developing society. The *jurisprudence* (line of decisions and the doctrine contained therein) of the Council of State enjoys as high a repute in France as the contents of the Supreme Court *Reports* here. And this fame has been deservedly won with reference not only to the primary principle of vigor and integrity in administration, but also the law's regard for the individual citizen's rights, the impartiality of justice on points of friction between the man who

is a mere citizen and the man who for the time being is also an officer.

Service to individual liberty. In America the citizen who feels himself aggrieved by the acts of administrative officers may sue the offending officers at law. In fear of irreparable injury, he may get an injunction that will tie up the action of administration. These are samples of what the French would regard as an intolerably defective system. They reject the idea that the administration may be tied up by the courts; they set the administration free from the courts. Then they set up, within the administration, tribunals of quasi-judicial character to secure the necessary end of justice to the individual. But how about the aggrieved individual who sues an officer, for example, for error in tax assessment or for unjustifiably encroaching upon his property in the widening of a road? In America he may sue in the ordinary courts, but he gets nothing, save in the extraordinary case of an officer who has private wealth sufficient to pay damages; a wrong-doing arbitrary policeman is sure to be too poor to satisfy legal judgments in suits for damages. The French system with clear logic associates the public treasury with the officer endowed with public power. The aggrieved individual sues what really aggrieved him; that is to say, not the man who temporarily wore the robe of authority, but the public. Since it was the public that was to benefit by the administrative act complained of, the public treasury bears the burden and pays the damages that may be occasioned by this same administrative act.

Two parallel systems. Here then are two systems of courts standing side by side, the Courts of Justice and the Administrative Courts; and the latter do as much justice as the former. There is no legal superiority; one hierarchy of tribunals cannot by prohibitions thwart or delay the action of the other. The inevitable questions that arise regarding clashes between them may be referred to a so-called Court of Conflicts, consisting of three members of the *Cour de Cassation*, three members of the *Conseil d'Etat*, and three other impartial persons including the minister of justice. This body, notwithstanding its name, is not to be

regarded as a court, but rather as a conference committee containing an impartial umpire, for enabling the systems to function coöperatively.

PARTIES

Political questions. Before attempting to describe the political parties, it will be profitable for us to observe summarily what have been the questions which have occasioned the rise and development of political movements, the material with which French parties and political bodies have had to deal. In addition to the normal business of politics the republican period has seen a series of shattering moral crises, "*affaires*" such as that of Dreyfus (1894-1899) and of Stavisky (1933), scandals such as that of the Panama Canal. But this political history must here be passed over with the mere remark that some of the party names, combinations and divisions have been caused or largely affected by these epochal events.

Monarchism and Finance. For a long period the most fundamental political question of all was whether France should be a republic or a monarchy. This crucial matter divided public opinion with agonizing intensity for at least a decade and a half. Since its settlement, finance has provided much material for debate. The question of protectionism has never, it is true, played so important a role as it has in American and English politics. In the nineties the Progressists, as they were called, made a specialty of protectionism, but the principle has long been universally accepted in France, and has ceased to be a matter of party distinction. The income tax also has been a topic of lively political controversy, but could hardly be called a basis of party alignment.

Socialism. Collectivism, as an ideal regarding which sides must be taken, has provided much fuel for political flames amid so individualistic a people as the French; but there have been strange vicissitudes when doctrinaire theories ran up against the personal ambitions of statesmen. Millerand's case (1899) has already been mentioned. Aristide Briand also had risen to prominence as a red-hot Socialist. But in 1910 the same Briand, having arrived in high office, thwarted the threat of a "general strike," notwithstanding the Socialists' traditional advocacy of

that social weapon, by calling the workmen to the colors as mobilized soldiers, a course of conduct which earned him the reprobation of the Socialist party, though he remained an independent or Republican Socialist till the day of his death. The Russian revolution (1917) and the rise of the Third International has made Communism an excruciatingly acute issue, which divides as much as it unites believers in the collectivistic ideal.

Anti-Semitism. Anti-Semitism as a cause of political passion has had a long career, varying in intensity from time to time, as ecclesiastical and international relations had effects upon the race spirit. It received its most conspicuous exemplification in the Dreyfus case, in the nineties. Anti-republicans, clericals and nationalists united not only to persecute a poor Jewish captain who had been made the scapegoat of an intrigue, but to discredit the "bourgeois and Jewish republic," alleged to be dominated by Free-Masonry. (The latter, be it noted, Europeans always regard as a strongly anti-Catholic movement, secret but deep and potent in politics.) The nation's healthy reaction, led by Zola, Anatole France and other literary and journalistic thinkers against this obscurantist, anachronistic assault on the rights of man led finally to the rehabilitation of Dreyfus; the anti-Dreyfus movement proved a boomerang, deeply discrediting monarchism, clericalism and nationalism for a decade to come.

Education. One of the most deep-seated political questions of the present day, in its effect upon political passion and action, is that of education, especially as affecting and affected by the Roman Church. In the days of Napoleon III, who imitated his uncle's later phase, the Catholic prelates had learned to look to the throne of the Emperor for support. They had reciprocated by providing the Emperor with faithful cohorts under Church discipline. Gambetta, high priest of the rival religion of Republicanism both before and after the Emperor's fall, perceived this relation and cried: "*le clericalisme, voilà l'ennemi*" (the domination of the Church is the deadly enemy of the Republic). After the nation's moral conscience had been sufficiently aroused by the Dreyfus affair, the Republic reacted vigorously against what had undoubtedly been a close alliance of clericals with anti-Drey-

fus nationalists. The army and the civil service were subjected to a persecuting process of purging to deprive it of its power to poison the nation with imperialist militarism. Napoleon I's Concordat, or treaty of privilege to the Vatican, was canceled. The Church was reduced to a mere society for religious purposes, thus compelled to ask the state for a precarious licensed position. To the faithful Catholic, especially to the Roman hierarchy, this was rank impiety and suggested a society that was indifferent to morals, decadent, tending to social disintegration. Sharp war ensued, leading each side, Papacy and French Republic, to offensive excesses. The clash was only forgotten, at least suspended in the presence of the still louder din of the World War. Enthusiastic religionism revived during the nation's baptism of fire. Alsace, furthermore, returned to France as a result of the peace, but turned out to be embarrassingly passionate in her Catholicism, and desirous of autonomy as against the secular regime introduced in France by laws of 1901 and 1905. Thus she has become in a new sense a stone of stumbling to French patriots. Then too the clerical influence versus laicism (secular control) in the schools remains a thorny difficulty, the source of active political partisanship and passion.

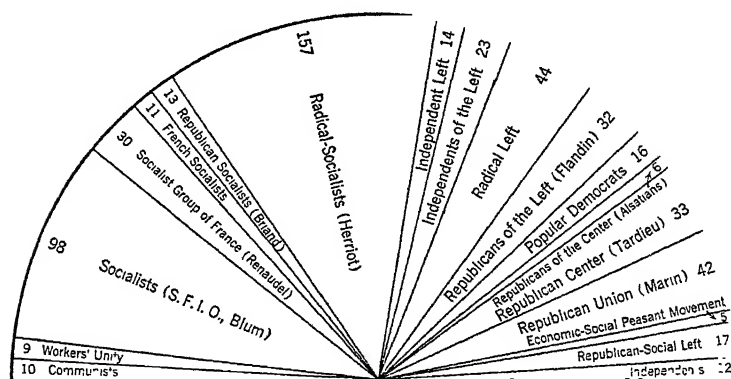
Many *groupes*. These being some of the political issues, we may observe the resulting party system. No attempt will be made to give a precise description of all the French parties, but rather a number of hints regarding their significance as a whole. While there are "parties" among the voters, there result from the electoral process what are called *groupes* in Parliament. There are always about a dozen of them, but they bear different names in the Chamber and the Senate, and furthermore secessions and adhesions are constantly altering the list, so that newspapers and political manuals are always in a desperate state of confusion as to their precise mathematical relations. Their names are a curious melange of supposedly attractive factors, including in bewildering combinations the adjectives "democratic," "republican," "social," "socialist," "left," and "liberal."

In the latest four parliamentary elections (to the Chamber), those of 1924, 1928, 1932, and 1936, the list stood approximately as follows, as regards numbers of Deputies elected. The names

are arranged approximately in the order in which they stand, from extreme Left to extreme Right, in point, that is, of more or less radicalism.

	1924	1928	1932	1936
Communists (Third International)	27	14	11	71
Dissident Socialists and Communists.		2	10	44
Socialists (Second International)...	104	101	129	145
Republican-Socialists	42	47	34	
Social Radicals ("Radical and Radical-Socialist")	138	123	158	115
Radical Republicans	49	55	77	31
Left Republicans	87	106	66	83
Popular Democrats	14	17	15	23
Republican-Democratic Union	108	131	76	90
Conservatives	15	15	34	11

But the reader must be warned that, for reasons that will shortly appear, the numbers reported show a surprising degree of variation from pen to pen, from newspaper to newspaper, from month to month. For example, the party groups in the Chamber at the beginning of 1934 are reported by Professor Valeur as



follows, again going from Left to Right. The present writer has ventured to give literal translations of the names of the *groupes*, and in some cases an indication in parenthesis of who has been generally recognized as the leader or dominating personality.

Left

Communists	10	
Workers' Unity	9	
Socialists (S.F.I.O., Blum)	98	
Socialist Group of France (Renaudel)	30	
French Socialists	11	
Republican Socialists (Briand)	13	
Radical-Socialists (Herriot)	157	
Independent Left	14	
Independents of the Left	23	365

Center

Radical Left	44	
Republicans of the Left (Flandin)	32	
Popular Democrats	16	
Republicans of the Center (Alsations)	6	
Republican Center (Tardieu)	33	131

Right

Republican Union (Marin)	42	
Economic-Social Peasant Movement	5	
Republican-Social Left	17	
Independents	12	76

Unattached

27

✓Shifting party allegiance. More important is it to observe that these social entities (*groupes* or *groupements* in French, "groupings" in English) are constantly shifting, in personnel, leadership, and program. With one or two exceptions they have never acquired the stiffness, organic cohesion, and persistence of the English parties or the American parties or machines. Furthermore the numerousness and the fluidity of the parties is rather a matter of the Chamber itself than of the country at large; there are only about a half-dozen "parties" for electoral campaigning purposes; there are twice as many *groupements* in the Chamber. A deputy expects to win his election on his own merits or skill in electoral manipulation of local supporting elements, not by grace of a national party, with leaders and whips,

as in England. Not until after the election is over and the deputies arrive in Paris does the party alignment, strictly so called, take place, and then it may be largely determined by their expectation regarding the possibility of winning a ministerial position or membership of some commission. This party alignment is not absolutely exclusive; one may in the course of the same session or even the same week participate in more than one parliamentary party. This is inconceivable to the Englishman, but is more in harmony with the Frenchman's notion of a party. He thinks of it not as a corporation, or (in military terms) a governing garrison or an attacking army, but as a loose parliamentary group (i.e., talking body) composed of members who temporarily agree.

Blocs. The group itself must temporarily coöperate with other groups. For a party of like-minded parliamentarians, if it is to have any effect, must join in a *bloc* with other parties similarly composed. Such bloc or coalition may give rise to a bloc of contrary view; there may be temporarily an appearance of Ins versus Outs. But such appearance is ephemeral. There is little firm cohesion among members within a group and far less as between or among the groups. True, in the very earliest days of the twentieth century there was a bloc of anti-clericals. But a half-dozen years sufficed to see its break-up. The extraordinary circumstances of the war and the peace-making gave Clémenceau a *Bloc National* which remained effective for several years, an effort to deal with foreign politics in the sense of a frank avowal and defense of ultra-nationalism. Against the excesses of the *Bloc National* there arose a *Bloc des Gauches*, or temporary coöperation of several of the parties on the Left. But apart from short episodes such as that of Herriot's putting an end to Poincaré's Ruhr adventure, these groups temporarily united in a bloc find themselves far more insistent upon what divides than upon what unites. The *groupement* may have some coherence and continuity; the *bloc* is essentially a coalition for temporary purposes.

Republican-Democratic Union. Not even between the two Houses is there continuity and identity of party names and interests. One can only say that a group bearing a certain name,

say the *Gauche Démocratique*, comprising a large portion of the membership of the Senate, corresponds fairly closely to a group bearing another name in the Chamber, the *Parti Radical et Radical-Socialiste*. It hardly needs to be said that (with the exception of the "United Socialists") no party has a unified party machine to which deputies and senators alike owe allegiance, with means of support and popular direction such as could constitute an instrument of opinion on the national scale. In fact, one of the most powerful electoral machines in France, the so-called Republican-Democratic Union, has no group at all under ordinary circumstances bearing that name in the Chamber. It was founded by Premier Waldeck-Rousseau for the election of 1902, to support his anti-clerical legislation. It is ostensibly a Center party of moderates, but as the religious issue fades, social conservatism becomes its chief characteristic. It is intensely anti-socialistic, but was also the chief promoter of the *Bloc National*, the Poincaré-Millerand group of parties which governed from the end of the war until the Herriot victory of the *Bloc* of the Lefts in 1924. In the election of 1928, this Republican-Democratic Alliance brought into the Chamber:¹

22	Republican Federation and Independents (led by Marin)	Right
16	Action Démocratique	Right Center
51	Républicains de Gauche	Center
4	Indépendants de Gauche	Left Center
13	Gauche Radicale	Left Center
4	Gauche Sociale et Radicale	Center

The tendency is for these grouplets to form and disappear, according to the exigencies of personal ambition; and this medley of groups provides the material for constantly new combinations. The looser the cohesion, the more ministerial positions a group will have to receive in order to remain placated and faithful.

Communists and Socialists. There are several parliamentary groups, however, which call for special mention. At the extreme

¹ Middleton, W. L., *The French Political System*, p. 124.

left are the Communists, who comprise the French section of the Third International, their strategy and tactics dictated by that organization. In sharp contrast, especially upon this last point, are the "Unified Socialists." This is a large group of convinced adherents of the Marxist faith, who do not however accept the Bolshevik discipline. They are hoping and working for the coöperative commonwealth, but are rather gradualist than revolutionary in their view of the process by which it is to be brought to pass. Their symbolic designation SFIO (*Section Français d'Internationale Ouvrière*) indicates their affiliation with the Second International, as against that of Moscow. Leon Blum, their leader, professes to be willing to form a government within the (bourgeois) constitution. Furthermore in the 1930 Congress the party declared that it was willing, in the state that is to come, to leave small cultivators in possession of their land. As seems to be nearly always true regarding parties on the Left, their lack of responsibility for the conduct of government and their alert insistence upon fine points of doctrine, both tend to divisiveness. The name of the party goes back to an occasion in 1905 when two parties of practically identical character but of diverse name and competing leadership were unified under the unique eloquence and authority of Jean Jaurès, who remained leader until he was assassinated just as the war broke out. The tactical question of the party's attitude toward office is always an embarrassment to these Socialists. Their discipline is strict. Shall they allow their leaders to enter Cabinets and hope to dilute and mitigate the bourgeois quality of present-day government and to give it a socialistic tinge, winning points meanwhile in such matters as social welfare legislation and administration? Or shall they abstain from accepting office, lest by coöperation in government they be helping to preserve the bourgeois regime and postponing to a still more remote and unimaginable future the coming of their socialistic ideal? A new secession has rent the Socialist party as recently as November, 1933. A group have withdrawn, or been excluded, as "Neo-Socialists" under the lead of Renaudel. Learning from the experience of the German Social Democrats at Hitler's hand, they are resolved not to await in pure aloofness the oncoming

of oppressive reaction; they will enter the fray in alliance with bourgeois elements that are sincerely on the Left, with whoever will agree with them in defense against Reaction.

The so-called Republican Socialists, of whom Briand was long the most conspicuous, are chiefly characterized by their individual independence, as contrasted with the discipline of the "*Unifiés*." This group has included, for twenty-five or more years, a notable galaxy of intellectuals, who could not be held in leading strings by the party bosses. These men, of Socialist temper and doctrine, have played a considerable role as ministers in cabinets which were mainly of bourgeois character.

Radicals. From the time of Gambetta there has been a party called Radical. These men were thorough-going, uncompromising in their republicanism. They were anti-clerical, that is, they were inclined to favor lay or secular education, hoping to root out the royalism and anti-democracy of the schools conducted by priests and members of religious Orders in the interest of the Church of Rome. To this party still belong many intellectuals of the type who as Gambettists filled the Ministries and conducted the government for thirty years after the death of the great original apostle of republicanism. In this party are found a great body of men of bourgeois temper who are inclined to activism rather than doctrinaire-ism in politics. They all favor the small man against monopoly; they regard themselves as the special guardians of the "rights of man." But a large proportion of these Radicals have taken on a wide variety of adjectives to characterize a variety of specialties in attitude. As grouplets they form and dissolve political combinations according to the exigencies of present occasion and the possibilities of attaining ministerial office. As personal knots of politicians they are highly individualistic.

Radical-Socialists. A group who have grown out of the Radicals but are especially inclined to social reform bear the misleading name Radical-Socialists. These men are not Socialists and especially are not extreme, as the adjective radical might suggest. They are largely peasants and small-town citizens, very tender of their little property, a tenacious *petite bourgeoisie*. Their name is an improper translation of a French ap-

pellation suggesting a compromising turn of mind. Radicalism, as in many other European countries, is a name to suggest individualism as against the collectivism of the Socialists. This group under present discussion are of the Radical party (in the French sense), but it is that wing of the party which will compromise with Socialism, adopt some few of its planks, and thus steal some of its electoral thunder. Its plan is to cure the nation of the disease of socialism by inoculation. It is a little bit reminiscent of Theodore Roosevelt's Progressivism. Let the state go into ownership and management and social reform just so far as is necessary to preserve for the individual in an individualistic society his full, free opportunity, unhampered by the obstacles which freedom has allowed to develop. The *laïc* state, with Rome carefully excluded, and the free-thinking school-master supplanting the local priest in the leadership of local society, has for thirty years been a chief characteristic mark of the quality of this group. This party of the so-called Radical-Socialists is one of the best organized, according to American notions, with its annual congresses which instruct the leaders after debate, and with a fairly well developed apparatus for fighting elections. It is widely successful over two-thirds of the area of France. Founded in 1901, it came as near as any party ever has, to dominating the situation during the first decade of the twentieth century. Traditionally antimilitarist, its leanings toward internationalism made trouble during the war: two of its leaders (Caillaux and Malvy) were brought under Clémenceau's condemnation as having contemplated or attempted negotiating with the enemy. But after the war, under Herriot's leadership, the party rose again to a dominant position in many constituencies. It tends (e.g., as a result of recent elections) to be the center around which can be nucleated a bloc of parties to form a Ministry of the Left. It proclaims the slogan "No enemies on the Left," to signify its constant readiness to collaborate with Socialists; Communists were ignored until 1934, when fear of Fascism brought about a "Popular Front," the electoral coöperation of Radical-Socialists not only with Socialists, but even with Communists. The Radical-Socialists' electoral collaboration with the Socialists does not

prevent the two parties from being constantly in hot water, as to collaboration in Ministries. And this very attempt to collaborate with its neighbors to the Left makes always more difficult the collaboration that the Radical-Socialists find necessary with other groups toward the Center and Right.

Center parties. As we leave the Left and turn to the remaining sectors of the Chamber, we find a considerable number of groups with names that are a welter of confusion, especially because they maintain traditions from past leaders whose slogans and titles, as potent myths, retain a high propaganda value. Furthermore these parties suffer from the confusion entailed by the crossing of political division lines that are ecclesiastical, economic, and nationalistic. A group may be far to the Right as to social welfare policy, far to the Left on ecclesiastical policy: another group vice versa; and even more difficult are the alliances and enmities that arise on the question, Is France to have security by arms, by treaties, or by international coöperation? And is she to be an active imperialistic power?

Marin's Union. All these suggestions of the vague concept of nationalism suggest the mention of one of the most close-knit groups of all, the Republican-Democratic Union (U.R.D.) led by Louis Marin. Corresponding to the Bloc of the Lefts, this Union is from time to time the nucleating center of a *Bloc National*. Yet—occasions arise in which as in 1926 Herriot of the Radical-Socialists and Marin, at the opposite extreme in point of nationalism, join hands as collaborators in Poincaré's ministry-to-save-the-franc; and again under Doumergue in 1934, to save the stability of a nation rocked by the Stavisky scandal.

Action Française. At the extreme right in the Chamber are the adherents of monarchy. They have dwindled down to an almost invisible remnant, and are not now called by that name, but Independents. Closely allied in temperament to their conservatism and nationalism is the *Action Française*, founded in 1898. This is an ultra-nationalistic movement, anti-Semitic, intensely interested in foreign affairs, in the building of military and naval and diplomatic defenses. Many of these Extreme Rightists scorn democracy and the parliamentary regime, and make no secret of their desire to revise the constitution in the

direction of monarchy. Their purposes in amendment vary with time and circumstance. Generally speaking, they would strengthen the executive, and tend towards a presidential independence or quasi-Fascist absolutism, as contrasted with what they scorn as parliamentary irresponsibility and incompetence. They used to cultivate loyalty to the Roman Church as a highly authoritarian system, but their chief theoretician, Charles Maurras, was known to be an atheist, and their attitude became increasingly evident as that of men who would exploit rather than serve the Church. Their leaders have recently been excommunicated, their books and reviews and papers placed on the Index of books which good Catholics are forbidden to read. For the present indeed the *Action Française* has ceased to exist as an electoral organization. But it would be an over-bold prophet who should deny a future to what is known as the chief, most assured corporate spokesman of French Nationalism.

Church politics. One final party group may be mentioned, which is impossible to represent graphically because it contains elements which place it strongly on the Right, and yet, with reference to other elements, it belongs undoubtedly on the Left. This is the *Action Libérale Populaire*, representing at once Catholicism and Social Welfare. Mention has already been made of clericalism as a disturbing force in French politics. The group now under consideration is not interested in clerical domination, although there can be no doubt that the influence of bishops and priests upon faithful Catholics is a large element in the party's strength. Clericalism as such emphasizes disciplined order, and therefore stands with the conservative Right. French clericalism was long associated with the Empire of Napoleon III and looked askance at the republican experiment. But in 1891 the astuteness of Pope Leo XIII brought a change of profound significance, first for French politics, ultimately for Europe. The papal ship of state was put upon a new course by the Pope's bull *Rerum Novarum*. "New things" were happening in the world. Labor was organizing for its own self-defense; and under Marxist inspiration was associating Labor self-defense with atheism. The Pope declared that the Church of Rome is as much interested as was Marx in the welfare of

Labor. Let good Catholics compete with the Socialists for the privilege of championing Labor's cause. Let good churchmen, of Left wing tendency, "rally" to the French Republic, give up the old surly attitude of Catholic expectation that it would fail. Let Catholics cordially, enthusiastically enter politics, and sponsor measures of social welfare such as are required by the enlightened conscience of today. Let the social gospel of the Church take the wind out of the sails of the atheistic Socialists. Let priests and leading Catholic laymen foster the organization of trade-unions and coöperatives, and all the rest of the apparatus of appeal to the lower bourgeoisie and the proletariat, which had hitherto been monopolized by the Socialists. A considerable degree of success has been achieved by this movement. It is papal in inspiration, Catholic in electoral direction; but it is not for "clerical" purposes; it purports to use the grace and efficacy of the Church to moralize and satisfy the conscience of society. In the matter of authority its ecclesiastical basis puts it far to the Right. In matters of social welfare legislation it is far to the Left. Such is the political consequence of a group's effort to take position in a world of politics that is trying to deal with such vastly important interests, that are so fundamentally incommensurable.

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CHAPTER IV

SOVIET RUSSIA

Special difficulties. To understand Soviet Russia, even to think coolly and scientifically about her, is one of the most difficult of tasks for the American. The information we receive is to an unusual degree doubtful and contradictory, because of the opposite bias of most of the men who inform us. Social dislocation and suffering make many "see red"; but in the contrary sense of that equivocal word, enthusiasm and fervor make others "see red." The scheme of government and society, suddenly and violently imposed, was radically innovating to begin with, and it has also undergone startling transformations under the contemporary observer's eye. Perhaps the greatest difficulty of all arises from the social and political-economic plan of "communism" that is at the basis of it all, so morally elevated in its ultimate ideal, so grotesque in some of its active revolutionary manifestations. The vocabulary of names is uniquely difficult to use: some words, such as "soviet" and "cheka" are absolutely new; many familiar terms, such as "party" and "bourgeois," are used in new senses. Many of these very words have acquired a mythical suggestion of fear and hate, as the result of copious bloodshed and the destruction of old familiar values, social and economic. The scheme as a whole is almost incommensurable with government and society as known to outside humanity, yet it puts itself forth as the panacea for the ills of a diseased world, which the economic depression has made more than usually conscious of its pain and yearningly wishful to know the cause and cure. Hence the enormous interest men take in Soviet Russia, the necessity of a sympathetic effort to get an understanding of her situation.

Soviet Russia? To begin with a suggestive paradox, "Soviet Russia" is neither soviet nor Russia. The word soviet, which merely means representative council, gives no suggestion of the

actual scheme of government. In present reality, while there is an immense quantity of discussion in soviets, all governmental decision is authoritarian and hierarchic, not democratic; that is, political power is exercised by supreme command, highly centralized, rather than by the majority consent that is usually regarded as essential to representative bodies. The soviet was undoubtedly of immense importance as a mechanism of the revolution, but there is now little trace remaining of government by the soviets.

World union. There is a similar paradox in the other part of the name. "Russia" is a word which seems, like "Rumania," or "Poland," to suggest that governmental authority is exercised possibly by, and certainly over, a limited body of people who are largely of one certain race or tongue, dwelling on a territory that is manifestly marked off from other territories—a national state, in other words. But in the case under consideration the very name "Union of Soviet Socialist Republics" suggests a limitless extent for this political entity, its freedom (like Islam or Christendom) from national or racial limitations. As a matter of present fact the so-called "U.S.S.R." denotes the largest contiguous territory with unified government in the world, and some 175,000,000 people, an immense portion of the world's population. They have also a birth rate which is positively startling, since it produces an annual growth which alone is as great as the total population of several of the world's independent states. But more importantly, the political unit we are studying, in its ideal and in the declared expectation of its rulers, is designed to be superior to distinction of race or language or nationality. The *Russian* Soviet Socialist Republic, with Moscow as its metropolis, is only the nucleus of the Union; already there are gathered around it peoples and organizations of enormous racial and cultural variety, including Ukraina to the southwest, White Russia to the west, the Trans-Caucasus Federation (Georgia, Armenia, Azerbaidjan) to the southeast, besides three other republics east of the Caspian with names that are still more unfamiliar to our ears, Uzbek, Turkmen, Tadjik—seven "republics" at the present time, all comprehended in one political unit. As other peoples, of Asia and Europe and America, may become

converted and accept the new political and economic gospel, they are pressingly invited to join the Union, which is expected to be ultimately world-wide, without geographical limits.

Tsarist despotism. For historical background a few sketch-lines must suffice. For reasons of space, we must ignore the long process of conquest by which military autocracy was built up over a multitude of diverse peoples, an Asiatic empire which nevertheless penetrated into East Europe. Peter the Great (1672-1725) even built his brand-new capital (Petersburg) on the Baltic Sea, a window looking out upon Europe, a port to enable Russia to take a share in Europe's culture. Asiatic, nevertheless, the empire remained in its social primitiveness and political absolutism, continuing into the twentieth century the ideas and processes "of Nineveh and Tyre."

The historic fact from which we must make our start is the revolution of 1917, or rather the two sharply contrasted revolutions of that year, in March and November. The March revolution was the portentous event in which Russia rid herself of the Romanoff dynasty. The tsarist despotism had consistently remained impervious and savagely hostile to Western ideas of constitutional self-government and individual liberty. With stupid obstinacy it had been resolute to stamp out in blood any popular movement, of conspiracy or of public propaganda, that gave promise in that direction. In the civil war period of 1918-1921 it was abundantly proved that the tsarist regime had sowed the seeds of its own destruction by its long pursued and thorough-going policy of discouraging, even stamping out, the growth of a self-reliant middle class, whose economy might have been based on individual initiative and would have provided the social structure with vigor and power of resistance.

Duma experiment. Even the experiment of 1905 had little long-run significance, the creation of a representative body (*Duma*) and the issuance of a manifesto in which the tsar was supposed to have offered his people the "rights of man." These halting steps were taken under the impulse of a temporary fear, produced by the disasters of the Russo-Japanese War and the manifest popular discontent. As years passed, the promises were repudiated; the rights of man were not implemented with true

legal guarantees, the Duma as a national parliament was emasculated.

Kerensky regime. Unlike the enlightened despotisms of modern France, the tsarist scheme of government and society was not fortified and justified by efficient administration. It was a social order that allotted irresponsible privilege to the few and fatalistically left grinding misery to the many. The crucial and terrific strains of the World War revealed its utter corruption and naked weakness. In March, 1917, Tsarism came crashing down like a house of cards. The old regime fell in flat ruin, under the pressure of the foreign enemy and the explosion of practically all classes at home. These classes were all alike disgusted—the army in widespread mutiny, the proletariat, the bourgeoisie, and the patriot aristocracy united in outraged revolt—the peasantry being no more politically concerned than the cattle.

Lenin. For eight months (usually called the Kerensky regime) there was a confusion of tongues and of cross-purposed efforts toward internal reconstruction. This domestic task was so absorbing and confusing that men hardly realized that the situation was also complicated and perhaps might be dominated by the portentous fact of European war. Germany and Austria were confidently expecting that Russia should be transformed to become their granary and inexhaustible source of men and raw materials. On the other hand the Allied and Associated Powers were faintly hoping that Russia might reconstruct herself; as a youthful democracy (like France in 1793) she might become an ally of real power, at least firmly holding the Eastern front while the Western Powers continued their process of encircling and stifling Germany and Austria. But in the spring of 1917 General Ludendorff, the German military dictator, pursuing a policy that was natural on military grounds, assisted the importation into Russia of what was bound to seem to him a promising element of social poison, guaranteed to produce Russian paralysis and decay, or better, her readiness for his conquest. In other words, Lenin was provided (by sealed train from Switzerland) with ready access to the Russia from which he had long been exiled. Of this portentous event the ultimate

result, unforeseen, not inevitable but not unnatural, was the revolution of November, 1917, and Russia's withdrawal from the war, by the humiliating treaty imposed by Germany at Brest-Litovsk (March, 1918).

What was the meaning of Lenin and his "bolshevist" revolution of November? A complete answer would carry us too far, but one or two elements of this critically important matter must be briefly sketched, if we are to have any understanding of what has happened in Russia during the last two decades, and of her present governmental and social life.

Karl Marx, the German exile writing in London, is chiefly famous as the author of the bible of the socialist movement, the book entitled *Capital*. But already in the *Communist Manifesto* of 1848, he had initiated an active political movement of tremendous significance, for the remaking of European society from bottom to top. This Marxian teaching, of doctrine and action, had had a certain effect on the minds of thinkers in Russia; but here it did not eventuate, as it did in most countries, in the foundation of a Socialist parliamentary party, which should make propaganda and win influence by the democratic method. For one thing, there was no parliament in Tsarist Russia (save the half-hearted experiment with a Duma after the Japanese war of 1905), and the government had long been savagely suppressing even the word "constitution" from the printed page. The very idea of a limitation of the absolutism of the Tsars was tabu. Hence Marxian ideas had to grow up, if at all, only in secret conspiracy. The natural consequence of their growth under these forced, abnormal circumstances was their social and economic extremism, and the exile-complex, the political irresponsibility, of the believers in the Marxian ideas.

Bolsheviki. In 1903 the Social Democratic party, which had gradually come into existence among those exiled and underground Russians who were enthusiasts for Marxian dogma, came to a fateful decision on doctrine and tactics. On the occasion of the Brussels-London Congress of international socialism the "majority" (which is all that the innocent Russian word *Bolsheviki* originally meant) decided, under Lenin's inspiration, to choose one, and emphatically reject the other, of two possible inter-

pretations of their sacred Marxian scriptures: they proclaimed a social revolution that should be not gradual and peaceful, but cataclysmic. It should not be expected to arrive by the parliamentary, democratic methods of coöperation and persuasion and voting, but by violence, the seizure of economic power from the hands of the possessing classes, the ruthless destruction of those classes (comprehensively called the "bourgeoisie"), and the organization of political power in the name of the non-possessing masses, called the "proletariat."

Mensheviki. Manifestly this process could not be carried out by the proletariat—they were too weak economically and too backward culturally—but must be conceived and executed in the proletarian name and behalf by a few intelligent leaders, who would steel themselves to be ready for the exercise of what Marx had called the "dictatorship of the proletariat." The "party" must therefore be restricted to a few resolute single-minded fanatic souls, professional revolutionists, under the clearly marked and unquestioned domination of one leader; its doctrine must be uncompromising communism, its tactics ruthless revolution. The conflict was sure to be bloody and destructive because of the violent resistance to be expected from the possessing classes, who would be fighting to defend their property privilege. The great bulk of the Russian believers in Marxist social democracy were constrained, partly by timidity and irresolution, but also by a democratic willingness to consult and persuade, to assist the evolution toward socialism by gradual stages of compromise and by coöperation with the well-disposed elements of other classes. But on this famous occasion (1903) their representatives were a minority, hence they were called by the Russian name for that which is less than half, namely *Mensheviki*. Lenin's supporters and co-believers in non-gradual and violent revolutionary action were called *Bolsheviki* solely because on this one occasion they were a majority. But by their own definition they were bound in the long run to be relatively few, a general staff with an elite corps of shock troops rather than a political army; and when their opportunity should come, success was to be achieved not by mass movement but by a *coup d'état*. The revolution should be engineered and executed by the initiated

few and these few would expect to govern by the hierarchic, military principle, relying on decisions that should be made by commanders and imposed on the masses.

Communist ideal. Both Bolsheviks and Mensheviks were socialists, inspired by the Marxian gospel. Their *ultimate* ideal was one, a social condition in which the state, as the term is elsewhere understood, had been eliminated, had "withered away." For one of the outstanding purposes of the state as we know it is to protect the existing social order, and of that order a principal institution is private property. But in the ideal commonwealth of the communists all such state action should be needless, for there would be no private property in the goods that are said to be of "capital" importance (tools and materials), because they make production possible. Since these goods and their users were to be set free from the motive of private profit, and from the consequent corrupting influence of greed and envy, social peace would result, characterized by the happy coöperation of all. "To every man according to his need; from every man according to his capacity"; this is the perfect relation of the individual human being to society. It is an ideal of exquisite beauty, it is what we all expect in our hopeful imaginings of the kingdom of heaven on earth, when all men shall be brothers, if not angels. It is the pattern of service, familiar to every member of a family as that which characterizes the ideal mother in her relation to the family goods. It is also familiar on another and a potentially wider scale in the essential ambition of the artist, which is a desire to produce rather than to own; he has achieved freedom from the petty ambition to have personal possessions, save as they are indispensable instruments whereby he can produce his art for society.

Bolshevist method. But there is a yawning gulf between this communist ideal and present-day society. How is this chasm to be bridged? The democrat hopes by persuasion gradually to lift men to an appreciation of the ideal, and peacefully, gradually to educate a majority's capacity and will to bring it to pass. The Bolshevik, following literally some passages of Marx, regards the democratic attitude as servile and supine; he finds the democratic process so interminably long, accomplishing so piti-

fully little, that it is really a base deception, like religion an "opiate for the people." He is preoccupied by the thought of the hundreds of millions who will suffer, during the present era and on into an immeasurable future, under intolerable unjust social arrangements. He passionately devotes himself to acting for them, since it is futile to expect them soon to learn how to act for themselves, subjugated as they are under the well-fortified oppressive power of the propertied classes. He also underestimates and heavily discounts the evils and dangers of revolution as a method. The Bolshevik logically says: Better that blood flow *now*, even though material progress be halted or even reversed for a few years; at that price (though it be a few millions of lives) we will establish *immediately* a millennial condition of earthly bliss, we will rescue humanity from the unendurable fate of suffering a thousand years of torment. The democrat is dubious and timid; too often he is unaware of a possible, at least a conceivable ideal. The Menshevist is a half-way person; he knows and shares the Marxian ideal, but he is doubtful whether it can be attained by the Bolshevik method, of bloody, destructive revolution; he balks at the price. The Bolshevik shuts his mind to doubt. He is arrogantly, inhumanly sure that his method is the only right one. Inspired by a sublime or blind faith, that is based on what he regards as a divine discontent, and fired by a just indignation (shared hesitatingly by the true democrat) against injustice and oppression, the Bolshevik resolutely, ruthlessly dares all. He wagers all society's present evolutionary gains, confident that by revolution, whatever it may cost, the world will be won at once for an ideal society.

Something like this was the idea incarnated in the man Lenin, who was brought from exile back across Germany to Russia soon after the March revolution that had broken down Tsarism. He immediately began his planning for execution of the constructive revolution that should establish the communist idea, and in November, 1917, he brought it off.

Class war. Pacifism, as among national states, had long been a cardinal feature of the doctrine of Marxian Social Democrats. They held war to be a device of bourgeois rulers or oligarchies to maintain themselves in power, by exploiting the laborers of

their several states as cannon fodder in the execution of imperialistic, capitalistic plans. But pacifism was no part of Lenin's creed. He was heart and soul for war, not international but inter-class war, of world wide scope. His strategy and tactics were to be organized by intelligence for the purpose of casting down and destroying the owner-exploiter "bourgeois" class and elevating the possessionless proletariat to mastery, a benevolent, beneficent mastery of things, not men, no man owning anything to the exclusion of other men. This idea, Lenin was firmly convinced, could not be achieved save by class war, and class war must be carried through with intelligence and devotion, without doubt or hesitation or easy-going, tolerant human sympathy.

Octobrists. The Communists, as the Bolsheviki frankly and more descriptively called themselves as soon as they had made their own revolution, knew their own mind about the constitution of Russia, but this was a topic on which Russia as a whole was in a state of bewildered confusion after the downfall of the tsarist regime (March, 1917). Not that there was a large number of groupings of opinion on that crucial matter. In addition to the Bolsheviki and Mensheviki one need distinguish only three other groupings in the opinion which became public and vocal immediately after the tsar's censorship and police repression had been removed. Far to the Right stood the Octobrists, men who accepted the October (1905) Decree which the tsar issued at a time when the government's morale was temporarily shaken by the abortive revolution precipitated by the Russo-Japanese War and its disastrous outcome. This tsarist manifesto purported to grant a certain measure of new freedom to individuals and groups. But the Octobrists were only standing in the position of the Englishmen of 1215. Government was to be a tsarist monarchy, of course, largely conducted by an oligarchy of magnates; Parliament could not yet be conceived of; one depended on the vague promise of the monarch to observe law and legally defined liberties, e.g., of assembly and press.

Constitutional Democrats. Immensely more modern-minded were the Cadet party, whose name came from the initials of the name Constitutional Democrats. These men were largely intellectuals and public-spirited business magnates. They also were

thorough-going monarchists, but their allegiance was offered to a monarchy of the type achieved in England after 1689. There must be a dominant Parliament. Their ideal was the modern English constitution, which provides for steady adherence to tradition, but opens the door to progress, as the people's representatives gain experience. Considerably to the Left of the Octobrists in the representative Duma with which the tsarist government toyed experimentally (1905-1917), the Cadets were nevertheless distinctly a party of the Right as regards any effort to change the basis of society, to alter the relation of man to property. They would retain and defend the familiar economic institutions of bourgeois society. The history professor Paul Milyukoff was an outstanding Cadet leader, and when he became minister of foreign affairs in the Kerensky regime, his policy for new Russia was hardly distinguishable from that of tsarist Russia, so far as concerned war aims, and the Russian alliance with the Western Powers.

Socialist Revolutionaries. One other party remains to be mentioned, the Socialist Revolutionaries. In this instance names are completely misleading. The party was mainly composed of intellectuals, some of whom were to the right and some to the left, the latter acting in conjunction with the Bolsheviks at critical stages of the revolution. But the party as a whole, whether right or left as to tactics, was entirely preoccupied with the problem of the peasants and the land. They knew and cared nothing about problems of industry, and the "capital" and "surplus value" with which Marx was so deeply concerned. The Social Democrats had ignored the land-and-peasant problem; the Socialist Revolutionaries returned the compliment by ignoring the industrial labor problem. Proletariat and peasantry might be overlapping in personnel, as the peasants' sons flocked to the factory for casual jobs, and as the factory unemployed drifted back to the soil; but the two parties that were concerned in their behalf, Social Democratic and Socialist Revolutionary respectively, were unrelated, their thoughts and purposes were incommensurable. The Socialist Revolutionaries were advocates speaking for a peasant mass numbering four-fifths of the Russian people. The Social Democrats, especially the Bolshevik wing,

stood for industrial labor, a class that was relatively small in numbers but active minded, and relatively well organized. The leaders made their revolution in its behalf, conquered for it what seemed to promise a dominating position in society; and then, as will later be indicated, they subjected industrial labor, like the peasantry, to the iron discipline of the Communist party.

Constitution. How does it happen that nearly ten pages have been spent on Soviet Russia and still there is no mention of the constitution, its contents, mode of framing and amendment? Why, on the other hand, so much of dynamic ideas and of the parties that invented and advocated those ideas? Because the March Revolution, after bringing down the tsarist regime in utter collapse, had nothing to put in its place but ideas—and too many of them, and too conflicting. Administration is a large part of government, fully as significant and important as politics and ideas. But administration in the Russia of 1917 had practically come to an end. There was a free-for-all melee of ideas, endless discussions without agreement or conclusion as to what Russia should be and how she should move. After eight months of such rhetorical struggle and intellectual confusion, a Constituent Assembly was finally elected (November, 1917), which was designed to debate in orderly fashion, and establish on foundations of law and freedom the new regime on which the Russian state should have made up its mind.

Constituent Assembly. But the Constituent Assembly, long demanded and constantly postponed, died in the process of being born. The Bolsheviks were so constituted that they, that is, Lenin, knew the party mind without much debate. They had no respect for numbers: even after eight months of intensive propaganda they cast only perhaps one-fourth of the votes in the election to the Constituent Assembly. But they had taken good care to capture the state by *coup d'état* and transform it according to their own purpose, before the Constituent Assembly could meet. Having occupied the seats of power, the Bolsheviks regarded any assembly's debate regarding their right to be there as an impertinence, and they wound up its proceedings by force (like Napoleon's "whiff of grapeshot") after one day's formal proceedings.

Bolshevist state. Lenin's administration had to fight for its life, however, during some three years of civil war against agents of Romanoff and aristocratic restoration, and even against foreign intervention. In the long run it was barely able to win through to success, supported by the stubborn resistance to restoration and to foreign intervention that was manifested by the peasants, whom Lenin had invited to seize the land they desired. This invitation they had briskly accepted, however little communistic their feelings might be, however inconceivable it might be that as land-hungry cultivators they should ever acquire a true communist mentality.

Communist constitution. In the course of the year 1918 the Communists in power thought fit to frame a written constitution and proclaim it to the world. It was full of ingenuity and logical consistency, but it was rather a propaganda tract for the stiffening of Russians' allegiance to the new system and for the stimulating of world revolution after the Russian example, not really a description in legal terms of the Russians' new way of life. The soviet as a symbol and name was exploited for all it was worth, not because it had apparent democratic significance, but because the soviets in Petrograd and Moscow in 1917 had been of first-rate value as a mechanism of dissolvent debate to break down the existing social order, and to make a clean slate on which Lenin could write the new order. Soviets were now to be elected everywhere by soldiers in their military groups, by peasants in their villages, by laborers in their factories. Voting was confined to the possessionless masses, social and business and agricultural leaders of the old sort being rigorously excluded. Soviets were to elect soviets of higher order. Once elected, these spokesmen of homogeneous social groups were subject to instant recall by their constituents. But decisions were not made by the soviets, of lower order or higher, but by the Communist leaders, chiefly Lenin. That is to say, the soviet elections were not a device for producing representative statesmen who, after the manner of western Parliaments, should argue and agree by social thinking on problems of common interest. They were rather units of statistical measurement of the popular attitudes, that might be taken into account by the actual wielders of power.

As a matter of fact, in view of the political inexperience of the masses, these representatives were easily swayed by the persuasive leaders, and the existence of the soviets was mainly justified as a means of blowing off steam, of satisfying the Russian demand for endless debate. They were incapable of arriving at practicable solutions, or carrying out administrative tasks, but were a useful tool for the leaders to use in propagandizing the masses. Elections were not occasions for the individual to express his free opinion nor a means of making a popular decision: the usual procedure was for the existing soviet to present itself to the voters in their assembly, make their report, ask whether they should not be continued in office, and at once declare (by stringent "gavel rule") that they had been reelected.

Communist absolutism. It is of importance to observe at once that there was absolutely no "separation of powers," and no "limitation of government" in behalf of the individual's rights, such as is customary in European and American constitutional systems. "All power to the Soviets" had been the potent slogan during the period of the dissolution of the old regime and the breakdown of the Kerensky experiment in 1917. *All power*, without limit or qualification, was seized—and the seizure made good by force—in behalf of the new masters of Russia. Justice was to be "class justice," the class war having been won for the proletariat, bourgeois mentality being therefore "anti-social." Property rights might be canceled by decree: courts and law of the traditional sort were helpless, and ceased to be. The very words of the constitution of 1918 gave the holders of government office ample grants of power, and in addition a blanket authorization to expand their legal authority in their own discretion.

Dictatorship. There was an elaborate scheme of federalism, with several "soviet republics" and a "soviet union" (by constitutional amendment of 1923), each with its powers set forth on paper, each with its complete apparatus of soviets, soviet congresses, central executive committees, presidiums and councils of people's commissars. But the fundamental fact is that all this apparatus was on paper only; the "constitution" was not the way of life. There began in November, 1917, and there continues to this day, a way of life which is not on paper but is unquestion-

ably real, and that way of life is what is usually called "dictatorship." Or, if a more accurate name be preferred, since there is no thought of temporariness, it is absolutism, with power concentrated in the Communist party. This party has its leader, its sub-leaders, and its program, all ascertained by its own party method. The voters are negligible. No other party than the Communist is permissible; if non-Communists vote or are elected, they appear as "non-party" persons. The party does not, it is true, comprise more than two or three million members, but their leaders are entrenched in the possession of power, and all objections are effectually silenced. It suits the party purpose to acquiesce in the election of some "non-party" representatives to soviets, and they may be elected in great numbers among the peasantry. But as the election of soviets by soviets goes on, higher and higher, the non-party persons are progressively diminished (by force or social pressure), and when we reach the official positions that really count, these are all held by members of the Communist party.

Emphasis on party, not person. Within the Party we find what really distinguishes the Communist from the Fascist and the Nazi dictatorship: there is no formal recognition of a *Duce* or *Führer*. Marxian materialism excludes the mystic exaltation of one quasi-divine personality. It is the party, not the man, that exercises the dictatorship. Debatable points of statesmanship are endlessly debated—so long as the "party line" has not yet been ascertained. This is true at the very top, in the Politburo of party magnates, and no doubt in considerable measure in the Council of People's Commissars; which are two bodies that correspond roughly to the English Cabinet and Ministry respectively, though this correspondence is only in their relation to one another, since they are emphatically *not* "responsible" to a representative Parliament. These two bodies debate matters confidentially and freely, the members presenting their several views of what the party requires, in its absolutist government of the nation. But after the determination has been made, the "party line" drawn, then debate must cease, there can be no "loyal opposition" but only treason, if one persists in criticism—

as has been found in the experience of Trotsky and several other outstanding sub-leaders.

Lenin's position. But the question cannot be longer postponed—how about the situation of Lenin, until his death in 1924, and how about Stalin today? As for Lenin, there can be no question that his position was unique. His moral authority was that of the creator of the party. With all his hot fanaticism and hard, dynamic energy, moreover, his composition included canny cleverness and opportunist realism, and there was also a robust sense of humor that won sympathy and understanding. His selfless devotion to the cause won the chivalrous allegiance of men who were in character like himself, such as Dzerzhinsky the Pole, who created the all-powerful secret political police, called *Cheka*. Then, too, Lenin's obvious moral primacy and his nice sense of the right time to insist and the expedient time to postpone or come to terms, and the undeniable fact that he had miraculously succeeded in seizing the supreme power of the Russian state—all these factors won the adherence and faithful service of men who realized that they were of lesser caliber and could succeed only in his success; for this was obviously not a personal success but the success of the Communist cause.

Trotsky. In this connection we may observe one factor which makes Trotsky a significant figure; notable but symptomatic rather than unique. In the early days he had not been a Bolshevik; he was far too vigorous and independent of mind to acquiesce easily in the utter absolutism of the leader that was required by Bolshevik theory. But in 1917 he gave himself with whole soul to the Bolshevik cause, and his fiery eloquence and skill in contrivance, in the Petrograd Soviet during that summer and fall, worked wonders for the Leninist revolution. Later, in the civil war period (1917-1921), when the Communist government was fighting desperately for its life, it was Trotsky who performed the outstanding miracle of creative organization: he called the Red Army into being. The Russian population in 1917 had achieved the greatest mutiny in history, had not so much demobilized as razed the structure of the immense army to dust in the mad scramble for "peace and land." Nevertheless, to face foreign invasion and the civil war of "counter-revolution," this

same people was actually persuaded by Trotsky's genius to come back under arms, to accept military discipline once more, and fight a long, desperate series of campaigns to success, campaigns which were in some ways even more difficult than the endless military failures in which Russia had been involved during the World War. After all this experience, almost enough to make a man feel he had earned a Napoleon's baton and could lead the enthusiastic national army to win a Napoleon's empire, Trotsky, when his political ideas and leadership were rejected, accepted demotion, and removal to other, less inviting tasks. His Communist conscience had compelled him to criticize and oppose the measures of the commissars and the Politburo, especially after that body had lost Lenin's guidance. Trotsky "deviated from the party line." But when that course of conduct brought expulsion from office and party, and even threatened exile, he—did not imitate Napoleon, who exploited his soldiers' personal loyalty and erected empire on the ruins of the republic. Trotsky sacrificed himself for the cause. He might go down, but he felt he must not risk dragging Communism down to disaster in a struggle of his own for personal vindication.

Rise of Stalin. After Lenin's death (January, 1924) there was a period of many months in which the "dictatorship" for the proletariat, if it remained at all, was only the dominating leadership given by an ill-defined group. For want of an authoritative leader's word, personal coöperation among the surviving sub-leaders required loyalty and persuasion, but gave occasion for jealousy and intrigue. Lenin's "testament" was suppressed, that embarrassing document in which he had passed unfavorable comment on some of the sub-leaders, especially had called Comrade Stalin too "rough" and unconciliatory. But Stalin, having unquestionably been one of the twelve apostles who had grown up around the Leninist messiahship, knew what the government of a party is, as well as what is the dictatorship that is nominally *by* a party. He skillfully built up what American politicians would call a "personal machine" within the party. As the months and years passed, Stalin, as general secretary of the party, made sure that appointments to key positions in the party should go to men whom he could trust as his personally faithful liege-men. More

and more, by the shifts and promotions that come with time, he made his calling and election sure, by establishing reliable Stalinist henchmen in the party positions that count. Like a city boss, he might stay out of office himself, but the motions the officeholders went through were dictated by Stalin, and gradually everyone came to realize that hard fact.

If we speak of a "party boss," we must at once add that unlike the former Boss Croker of Tammany, Stalin is not "in it for his own pocket all the time"; the emoluments he draws are not in money but in power. But there he is, under the forms of the Soviet governmental scheme and of the Communist party dictatorship, and there—a man in middle life, with strong constitution—he is likely to stay. If he is responsible to the party, it is Stalin-appointed liege-men who are in the position to say what is the will of the party. Furthermore he has shown great shrewdness in picking for his policy the net resultant or algebraic sum of the demands that make themselves heard most effectively in party debate. He maneuvers out of influence the men who are opposed to him, but steals their thunder, adopting as the party's policy that which opponents or rivals set forth as their own platform planks, on whose advocacy they had sought to build their own careers.

This is most notably true with reference to the titanic intra-party contest of 1925-1928. In the early stages of the dispute, Stalin was the champion of the individualistic peasant against unduly ruthless exploitation of him by the state: Russia must live; socialism must wait. Trotsky and others demanded that the revolution be made "permanent"; the peasant must be compelled to be Communist or be "liquidated." When the smoke of the conflict had cleared away, it came to light that Trotsky and his friends had been thrust out, that Stalin was solidly entrenched—but that Stalin's newest economic policy regarding the peasantry was the very one (liquidation) that Trotsky had been championing.

Temptation to personal absolutism. A party dictatorship enjoys this striking advantage over a personal *Duceship* or *Führerschaft*. It can peacefully survive the passing of one leader, and without undue difficulty find another leader. Witness the

succession of Stalin to Lenin without bloodshed and scandal to the faithful. No doubt many of the older leaders who were faithful to Lenin have found Stalin's regime unsatisfactory and have withdrawn. Some have even gone into foreign exile like Trotsky, or to Siberia like Zinoviev, who had long been the personal incarnation of the Third International. Some, like Rykov, the former premier, have only retained office by recanting their heresies. This suggests the seamy side of the Stalin type of dictatorship. Heirs-apparent such as Voroshilov and Kaganovitch,¹ though they hold important commissariats, are always more or less liable to the suspicion of being mere Stalinites, yes-men trailing on the skirts of the present day powers-that-be. To the extent that this may be true, the leader is deprived of what he most needs, namely, expert advice that is independent and critical, as contrasted with the toadying obedience which a despot is likely to get, and which is of trifling or no value as material for statesmanship.

Supports of the regime: The Red Army. What are the essential supports on which the Communist regime really rests? For external defense, and against civil war, as events in 1917-1921 abundantly proved, the Red Army is of the utmost importance. According to impartial testimony this is a substantial, reliable military force, immense in numbers and gradually approaching adequacy in equipment and training. The service under arms is no longer the dreaded slavery that it was under the tsarist regime. The peasant recruit is raised out of illiteracy and given real advancement in culture and self-command as a Communist citizen. The caste distinction of the old army, in which enlisted men were rightless animals for their officers to abuse, has given place to a relation that is human, with only such distinctions in uniform and behavior as are essential to military efficiency. Discipline, notwithstanding its complete evaporation in 1917, has now been restored, but it is discipline com-

¹ Voroshilov (b. 1881), the popular Commissar since 1925 for the department of Military and Naval Affairs, known since 1934 as the department of Defense.

Kaganovitch (b. 1893), a Ukrainian Jew, long active in trade-union, agricultural collectivization, and especially party organizational work, commissar of railways, known as "Stalin's best collaborator."

bined with reason. The soldier also has his rights, the officer has his duties.

Cheka—OGPU. A second important support of the regime is the secret political police, known early as Cheka, later as OGPU, still later as *Narkomvnutdel*. It was founded in late 1917 by the devoted Leninist disciple Dzerzhinsky. Under his fanatical, logical direction it acquired an effectiveness which was ugly, but priceless—it was Terror. There is no doubt that tens of thousands of excellent lives have been snuffed out, hundreds of thousands or millions of men's minds have been warped, by the Terror inspired by this extraordinary corps, most of whose methods, some of whose experts and underlings, are simply the continuation of the tsarist police at what we call its worst. They need have no regard for the courts of law. Their agents arrest, confine, and perhaps execute, without the public's knowing, possibly without the unhappy victim's knowing, what it is all about. The horror of its dungeons, the indignity of its torturing methods and of its espionage, have aroused a sense of intense repugnance in the outside world, a sense which is increased by the secrecy and mystery of it all. But the mystery is essential for the production of an efficient brand of Terror; in order to get the maximum effectiveness it must not be capable of being measured and ascertained for what it really is.

Dzerzhinsky's conscience. It may not be unfair to point out that the establishment of this body was the work of a man of tender conscience, and that the logic of the situation requires such a body, imperatively demands ruthless procedure. It is difficult, but necessary, for us to put ourselves in Dzerzhinsky's place, and realize that in the face of insuperable obstacles the new regime absolutely must erect irresistible means of surmounting obstacles; they were fighting what Dzerzhinsky would regard as the devil with the devil's own weapons. The great devils that required to be exorcised were Counter-revolution (which in other circumstances we call treason and visit with the death penalty), Sabotage and Speculation. The latter two, it must be realized, are names for courses of conduct that are very natural in the mind of a population that has been accustomed to the profit regime. One may be caught holding back from strenu-

ous endeavor in a disagreeable task ; this is sabotage ; under some circumstances it may be as criminal, anti-social conduct as the throwing of a wooden shoe (sabot) into a delicate machine in order to smash it. Speculation is buying and selling at a profit, which is normal to us, but—we must remember or imagine—abnormal conduct and may be a crime of the deepest dye in the view of the Communist.

Popular acquiescence. But in addition to the Red Army and the OGPU, it must be observed that there is a third essential support of the regime. This is the popular consciousness or feeling that has widely grown up during nearly a score of years, that is, a period which covers the whole life of a vast army of Youth. It is the feeling that the powers-that-be are—not “ordained of God”; for Communists hold that there is no god—normal and ordinarily acceptable, and necessary to be obeyed. More yet, there are thousands, indeed millions, of people of both sexes and all ages, who now have an opportunity to participate in public affairs though their ancestors had it not. Woman is emancipated ; at least she stands on an equal footing with man. The state, so far as its means permit, is zealous to enlarge the life of the common man, to provide him education, social insurance, and cultural amenity. “Public affairs” does not only mean government ; the subway, the newspaper, the clinic, are public affairs in Russia, and the people who are operating them do so not because of a mysterious connection with the privileged aristocracy or with the Church, as of yore ; they are ordinary folk, who have obviously, notoriously come up out of nothing, to play this part in what they now feel is all society’s affair and yet after all is their own affair. Naturally the people of mature or old age, who once owned property, especially those who suffer privation as the result of the universal measures of socializing confiscation and the occasional lootings of the civil war period (1917-1921), do not share this feeling. Naturally also the philosophic-minded observer is disturbed at the spectacle of a large, an uncertainly large, proportion of social action taking place under the impulsion of Terror, the fear of losing one’s little living if one does not conform. These philosophic-minded ones are likely to

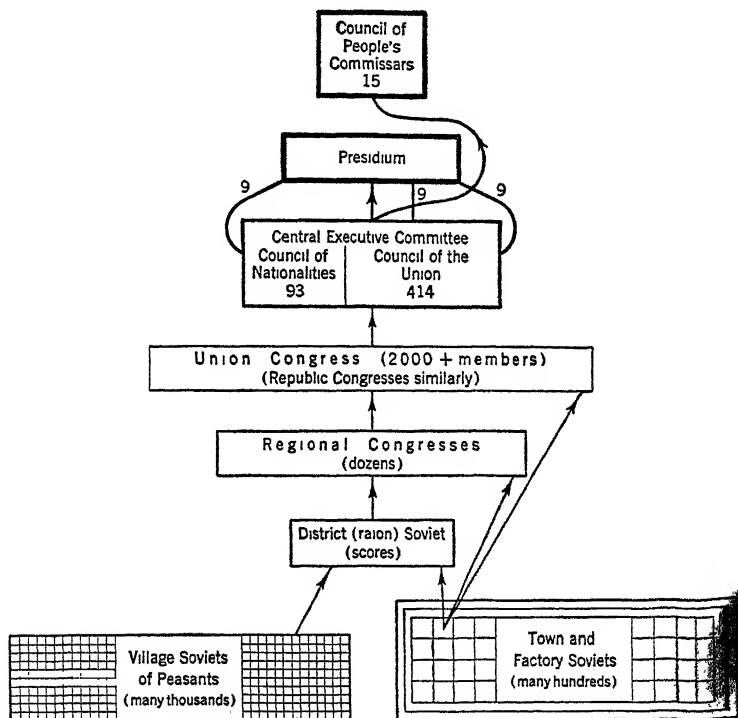
hold that Planning and Order is not all, that man must have Freedom, as well as jobs and bread—or the people's mind will perish.

CONSTITUTION

Having taken as our starting point the ideal held in mind by the men who made the revolution and then built upon the ruins, we may next observe what manner of constitution it is that they set forth and under whose scheme they are operating: and conclude with an account of the Communist party, whose unifying force gives integration and effectiveness, so far as the latter qualities have been achieved. We shall give little attention to documents or juristic niceties; for these are admittedly put in a subordinate position—reduced almost to insignificance; the method of actual operation is the main thing, which has been worked out by grinding necessity, in the presence of foreign and civil war, and of hunger and want and the threat of social failure.

Federation of nationalities. The scheme is federal: there are seven "soviet socialist republics," with a large number of "autonomous republics" and a still larger number of "autonomous regions." These complications were introduced because one of the most potent of revolutionary slogans had been "self-determination of peoples," and Russia contained an endless list of nationalities. They had to be accommodated in this vast conglomerate mass, which the tsars had held together by conquest and repression, but which must now remain together by its own will—if that will could be found and brought to expression. Stalin himself had been commissar of nationalities while Lenin lived, and adequate provision had been made all along the line for the cultural autonomy of the various nationalities, as regards language, and local customs and costumes. The Mongol, the Tartar, the Jew, the Pole, the Georgian, and scores of other national types, are as much at home in the scheme as are the Russians, and no effort is made to Russify them. Nevertheless, the Socialist Soviet Republic of Russia comprises over two-thirds of the population and 90% of the territory of the Soviet Union; and the Moscow Kremlin exercises absolutely every bit of the influence in all the matters that count, politically and economically. The Communist party sees to that.

Russia and six other republics. We may then sketch the governmental scheme in the Soviet Union, realizing that it is reproduced with adaptations in the seven republics: (1) Russia proper (Great Russia), (2) Ukraina, (3) White Russia, (4) the Trans-Caucasus federation of Georgia, Armenia, Azerbaidjan;



and in the three republics in Turkestan, east of the Caspian Sea, (5) Turkoman (since 1925), (6) Uzbek (since 1925), and (7) Tadjik (since 1929). As in Hohenzollern Germany, but far more so, one member dwarfs all the rest and largely determines the life that is to be lived in all the confederated states. But on the other hand, as in the Swiss Confederation, the Union can hardly be conceived as existing and operating except in and through the members' coöperating action, in concrete detail.

Soviet elections. The accompanying graph is an attempt to suggest the larger facts regarding the institutions that are to be

named, and the relations among them. At the basis of the whole scheme are the many thousands of peasant village soviets and the thousands of town and factory soviets. These bodies are councils elected, or as is usually said "reëlected," upon a basis which is mostly occupational rather than territorial. That is, a constituency is designed to be socially homogeneous, composed of the people engaged in one single productive occupation, with habits and ideas in common, rather than the heterogeneous mass of infinitely various individuals which we think of as dwelling together in one area and therefore electing that "constituency's" one representative. The interests do not have to be compromised, they do not cancel out; they are clear and single. Delegates may easily be recalled, and this frequently occurs. It may be that the special interests are here over-emphasized; for while peasants are represented by peasants, lathe-workers by a lathe-worker, teachers by a teacher, it is hard to see where any representation is provided for the public or whole interest, of any territory or, more importantly, for the republic as a whole.

Suffrage. The suffrage is regarded as a social function, not an individual right. It is frankly utilized as an educational device and a means of defense for the communist revolution, rather than as an opportunity for the free expression of participants in a process of social thought. Only that part of the population which is laboring, whether by hand or brain, whether or not belonging to the Communist party, may perform the function of voting. All others are disfranchised, and thus subjected to a severe social stigma. This exclusion operates upon various classes: those who have had any connection with the tsarist system, those who employ laborers for profit, or who live on unearned income, those who represent religious institutions (clergy and nuns), those who represent the "bourgeois mentality" even so remotely as the *kulak* class of hard-fisted well-to-do farmers, who presumably are interested in private property in land and stock, which they cultivate by the labor of others. Another striking feature of the suffrage is the great advantage given to the town and factory workers as contrasted with the peasantry. The former are given representation in the ratio of one to

25,000 voters, while the latter are represented in the ratio of one to 125,000 inhabitants. The reason is clear: the peasant who plows his own sweat into "his own" land and makes it fertile, regards this land as a part of his own inalienable personality; his primitiveness of mind prevents him from sharing the abstract conception of the community and the common welfare in anything like the same degree as the factory worker, who obviously has no such personally creative sentiment regarding the machine at which he works. The factory population can and manifestly do conceive the factory as belonging not to individuals but to the community as a whole; hence factory-workers constitute the vanguard, the class-conscious shock-troops of the social revolution.

Town favored over country. The town and factory soviets have the further advantage that they elect representatives directly to the higher Congresses, not only to the District Soviet, but to the Congresses of the Region and the Union, whereas the peasant soviets elect representatives to the central bodies only indirectly, through the District Soviet which elects to the Regional Congress, which elects its representatives to the Republic Congress and the Union Congress. In this indirect process, peasant influence, incorrigibly individualistic, can be more or less sifted out; Communist influence can be clarified and emphasized.

Voting a device of political education. One votes at the age of 18 without distinction of sex or nationality. The government allows no opportunity for oppositions to organize parties or present their views. Election is open, by the show of hands, and in addition to the obvious social pressure, there is plenty of evidence that the dominant party exercises omnipotent "gavel rule" in these elections. Nevertheless, the observer would do well not to regard this election system as a mere sham. In the election of 1931 for example, the village soviets (peasant) were only 20% Communist, as contrasted with the town soviets' 50% of Communist members; but as the scale of importance rises, the sifting process produces a Union Congress that is 75% Communist, and in the actual decision of important issues the Communist party plays a 100% role. But it must be remembered that for the population as a whole *any* participation in govern-

ment is a thrilling novelty: under the tsars there was absolutely none. The masses are now actually urged by radio and newspaper to give attention to public affairs as their own. In the election of 1931 some 81,000,000 persons were registered, and 60,000,000 voted. This electoral experience is, if nothing else, a vast, portentous school of political education.

Congress of Soviets. Returning to the diagram, one may observe that the result of all this voting, largely by indirect and controlled processes, is finally a Congress of Soviets, one in the Soviet Union, and similarly one in each of the constituent Republics. The All-Union Congress must not be regarded as the Russian analogue of a western Parliament. It is more suggestive to think of it in terms of a party National Convention in the United States. Not that it is exclusively composed of members of one party; perhaps twenty-five per cent will suggest the survival of non-Communist influence, but the seventy-five per cent is all that counts. The Congress is a mass-meeting of 2200 or more persons, held theoretically once in two years, but now rather less often. They cannot really debate, they cannot create or alter policy; but they can say "yes" on a mighty scale. The Congress receives reports, ratifies the acts of the government, listens to key-note speeches of inspiration and guidance, and—as its main function—has its faith confirmed.

Central Executive Committee. What comes nearer to being analogous with a Parliament is the Central Executive Committee (called TSIK for short), which is elected by the Congress, again under strict Party control. This body is in two houses, but the bicameralism is not, as in the West, provided for the representation of the Few and of the Many, in Upper and Lower Houses. It is rather the same mass, represented in two aspects. The Council of the Union, of over 400 members, is elected for the whole Soviet Union in proportion to the population of the republics. The Council of Nationalities is composed of five each from the "autonomous republics" and one each from the "autonomous regions," a total of ninety-three. The latter is designed to protect the interests of the various nationalities, and as such is a remarkable demonstration of what is expected to become the world-wide comprehensiveness of the Union, in which every

nationality is guaranteed the free development of its own peculiar culture. But, under present conditions, the Russian Republic has an immense preponderance in both Councils. The two Councils have an equal power of debating the measures that are presented, and each might conceivably veto the other's work. But this bicameral body, meeting as it does perhaps three times a year, for only a week or so, does little more than debate and then delegate its power to the two bodies that purport to emanate from it, the Presidium and the Council of People's Commissars.

At this point it is appropriate to repeat that the power that the Congress and the TSIK delegate is *all* power, legislative and administrative (the latter including judicial), without "separation of powers" or "limitation of government" in the interest of private individuals, groups, or social interests, or even individual Republics. It is absolutism, theoretically wielded by the people's elected representatives (as formerly by the tsars), actually by the ruling group in the Communist party.

Presidium. The Presidium is not, despite the name, a presiding officer, or even office. After a manner familiar to Europeans it is really what we are accustomed to mean by an "executive committee with power to act." That is, it supervises administration and may legislate in the long vacations of the so-called Central Executive Committee (TSIK). It is composed of 27 persons, nine elected by each of the two Councils of the TSIK and nine by the TSIK as a whole. It is in a position somewhat like that of the Crown in England, a body unlimited in its power to pass decrees and execute policy, on condition that it maintain itself in the confidence of the ruling power, which in England is the House of Commons and the electorate, in Russia is the small knot of leaders of the Communist party.

Council of People's Commissars. The Council of People's Commissars (*Sovnarkom*) is what seems to correspond to the English Ministry. It is composed of the heads of the administrative departments. Its first president was Lenin, then after his death Lenin's close friend Rykov, until the latter's "deviation from the party line." Rykov was demoted (on recantation of his heresy) to the Ministry of Posts and Telegraphs, to be succeeded as president by Stalin's tried and true disciple and hench-

man, Molotov. In this group are found the men whose administration of Union affairs gives world fame, such as Litvinoff in foreign affairs, or Voroshilov in the army. Its main function is the performance of the administration of the several departments, but it adds to this a general superintendence of affairs, and the preliminary examination of measures of legislation that are of general concern, such as the Budget.

Various Commissariats. The peculiar character of the Soviet federal system occasions the creation of two types of administrative agency, corresponding somewhat to our American notion of federal and state governmental powers. In the former category there are All-Union Commissariats, for foreign affairs, war, internal supply (food), foreign trade, transportation, waterways, post, agriculture. These offices operate on the scale of the whole Union, but they have representatives in the several Republics, to give them close contact and control. Then there are the so-called "Unified Commissariats," which are parallel to and maintain liaison with administrations in the several Republics. These have to do with heavy and light industry, lumber, finance, workers' and peasants' inspection, and statistics; there formerly was one for labor, but in 1933 this administration was merged in the officially controlled labor unions. Certain Commissariats, such as those of justice, health and social welfare, are solely affairs of the several Republics. But the power of the Communist party is such, at center and circumference, that it may fairly be said that we are here in the presence not of guaranteed state rights but of a highly centralized scheme which admits of no thwarting by autonomous members; it secures governmental unity in all essentials, with effective guaranty of cultural variety in matters that are not of first-rate political importance, and the utilization by the Union of governmental work by the Republics, under watchful supervision and control by the Union.

Council of Labor and Defense. Attached to the Presidium and the Council of People's Commissars are certain unified agencies such as the military mind has long been familiar with in the form of the bureaus of the "general staff," and such as crisis government sets up within a democracy, in time of war or economic depression, as indispensable means of coördination

and planning. Three of these agencies require special mention. There is first the Council of Labor and Defense (STO) which was founded in 1923, and (through one of its subsidiaries, the *Gosplan*) has attained world-wide fame as the author of the celebrated Five Year Plan. This Council's central importance is suggested by the fact that it is the sole governmental body in which Stalin has thought fit to assume membership. It is the general staff of the nation's gigantic effort to establish a self-sufficient economic life that is under the absolute control of the state, with due coördination of society's production in agriculture and industry, of the several branches of each in relation to the other branches, and of the relation of community production to community consumption—private profit excluded. It determines the relative importance of all these branches of economic life, the order and degree in which they may be emphasized and may look for support to the nation's treasury, or be expected to contribute to that treasury. All this economic activity is held in strict dependence on the nation's necessities, as if the nation were at war; for it must never be forgotten that Soviet Russia is conducting an immense warfare (heroic or monstrous, according to the point of view) against all the forces of tradition in economic life, as they prevailed in the historic Russia of tradition, and as they prevail today in the non-Russian world.

Five-Year Planning. The plan is set up on the basis of statistics, and altered from time to time as the "control figures" for successive periods suggest a speeding up at one point or compel a slowing down at another. We speak in the present tense; for this planning is a continuing feature. The first five-year plan was dated as from October 1, 1928; but later, to secure the psychological advantage of pressure by clock and calendar, the period was made to end with December 31, 1932. National effort was whipped and spurred by piece-work wages, premiums for extra results, "shock brigades" (*udarniki*) for abnormally strenuous efforts, to achieve the five-year plan in a little over four years. But no sooner was the period brought near its close than a second five-year plan was launched (1933-1937), and the expectation is that the series will be continued into an indefinite future. The first plan was grandiose, and its grandiosity was

heightened as the years passed: Russia must be industrialized, mechanized, made self-sufficient, not in the long process of time, but at once, in defiance of time. In many points the first plan disappointed expectations, for they were unduly strenuous; but much was actually achieved. The second plan is less sharply industrial, the production of machines is not to make such inhuman demands. There is not to be so much starvation of mankind in order to feed machines, there can be fewer tractors and tractor-manufacturing machines, more shoe-manufacturing machines, and—actual shoes for the unshod. But the interesting point of the five-year plans is not their details, and the precise percentages of success and failure; but that there is a permanent agency of government engaged in planning the nation's economic life. The first plan may have inflated the ruble currency disastrously, it may have reduced the standard of human living piteously, involving the starvation of millions and the "liquidation" (destruction) of the *kulak* (skinflint) class, all for the greater glory of communism, the collectivization of agriculture, the amassing of an export surplus of grain, to pay for the nation's indispensable importation of machines. But there is this much of hard fact for the observer to note: one great state has gone so far from liberal *laissez-faire* and the customary opportunity of the private citizen to incur profit or loss, that the whole concept of personal and group freedom is thrown on the state's industrial scrap-heap; the nation's economic life is all subjected to a nation's plan—not our familiar economic anarchy, with consequential profit for some and frequent unemployment and misery for the mass, but regimentation, forced employment for all and labor by all, private profit for none. All is staked on the detailed and long-run rightness of the plan, and the hope (in which not only theorists but millions of horny-handed producers share) that the total outcome will be a communized society. Compulsion and deprivation bulk enormously now. Will planning technique improve with experience, and lead to an outcome which some may live to see, of common wealth?

Inspection. A second staff institution attached to the Presidium and the Commissars' Council is the Workers' and Peasants' Inspection (RKI). The first words of the name may be re-

garded as of no more descriptive significance than the word "national," so frequently found in our institutional names: everything in society is proclaimed to be done in the name and behalf of the workers and the peasants. *Inspection* is a "staff" function of what might be called creative criticism of the "line" organization. The stupendous magnitude and complexity of the planned organization will have suggested theoretically what Russia's experience already tells; that is, that one of the greatest dangers to the whole scheme is what is called bureaucracy or bureaucratism. Will the office work be so tangled in red tape that it is choked? Will the all-too-human temptation to rut and routineering signify death by dry rot, will the machine "rust out"? Will the intelligence of directors be able to cope with such superhuman tasks of coördination—or will the mechanical parts get in each other's way and bring the machine to a standstill by universal friction? To this general question we have no general answer, but the RKI is the attempt to provide a satisfactory antidote to a recognized poison. Like the censors of ancient Rome, the constitutional structure here includes an institutionalized inner critic. This Commission (RKI) is expected to offer plans for rationalizing techniques, eliminating frictions and stopping gaps, analyzing budgets and plans from the point of view of the whole social purpose, assisting departments in the selection and training of their personnel. It conducts periodical "cleansings" to eliminate the inefficient and the self-seeking. On paper, at least, here is an exceedingly interesting contribution to the apparatus of government, the implementing of the set purpose to apply general intelligence in constructive criticism.

OGPU. The third special agency attached to the Executive for general purposes is the Cheka or OGPU ("Gay-Pay-Oo"), which has already been characterized in the general account of the Communist movement and its principal supports. There is little to be added, save to put the OGPU in its relation with the other agencies of government, now undergoing description. The STO and the RKI are permanent features: the OGPU is relatively temporary, a feature—ugly, but regarded as a matter of life-and-death necessity—of the triple struggle the new regime is compelled to carry on, against tsarism in 1917, against the

intervening outside world in 1919-1921, and always against internal opposition elements. These were building their hopes of Restoration, if not of the old regime, at least of their own privileges, on an expectation that this soviet structure would fail, could be made to fail. It had come from the "crazy year" (1917), but would it not fail because of its inherent difficulties and its utter contrariety to familiar human nature? Could it not be expected that, after the manner of past revolutions, time would bring a swing of the pendulum back to the normal? As the hard-bitten generation of revolutionists, tried in the fire of tsarist prison and exile, would gradually die off (or might be assassinated) might not Russia be expected to return to Europe? Against these aspirants for a Restoration, who are comprehensively termed "counter-revolutionaries," the OGPU has fought with a resoluteness of purpose that is notable. Terror has been equipped with modern methods which have been found irresistible in practice, immeasurably more successful in actual effect than the tsar's terrorist police of other days.

Sabotage. It must also be remembered that the counter-revolutionary is not the only object of the OGPU's vengeful pursuit. Sabotage is the constant enemy that must be fought, and perhaps even more, the temptation of human nature to resume its familiar motives of self-seeking, laziness and desire for private, anti-communist profit. The private trader, who is bootlegging not liquor but an infinite variety of the objects of human desire which the State will not or cannot satisfy; the kulak, reaping for himself the reward of his cleverness and foresight in the conduct of agricultural operations, not for the State and its distant purposes, but (as he would say) minding his own business—these must be rooted out, stamped on, covered with obloquy, for the sake of the general public and its opinion of proper conduct. There is of course the danger that such an agency, once created by a selfless Dzerzhinsky in the service of a selfless Lenin and the ideal they held in common, may become the tool for protecting the powers-that-be, a pretorian guard for stamping out personal enemies of Stalin rather than for preserving communism. But, speaking by and large, it is fair to say that the OGPU is performing a state and not a personal

function; also that this function is diminishing in importance. The police can afford to diminish the degree of their offensive rigor and cruelty, as the regime settles down to fairly universal acceptance by the community at large. As the Cheka, of odious fame, was abolished in 1923, to be replaced by the United Special Commission (OGPU), so in March, 1934, the latter was abolished, and its function given to a civilian Commissariat of Internal Affairs (*Narkomvnutdel*). Critics may say that, like Attila, it "created a desert and called it a peace." From the Communist point of view—directly opposite to the democratic—the Terror has done its work, the OGPU military units (there are said to be some 45,000 men) can be retired to barracks, and civilian methods can be trusted for keeping the Communist peace. But Communism has no intention of restoring freedom, that "bourgeois, democratic fetish." It is a Communist peace that must be kept!

Courts of class justice. It has already been remarked that justice in Soviet Russia is regarded not as a separate power, coördinate with the legislative and the executive powers, but as a branch of the administration, designed to preserve the social order. For the most part it is a function of the Republics, not of the Soviet Union. In each republic there are People's Courts, Regional Courts, and a Supreme Court. The People's Court is held by a judge and the two co-judges or jurors, who are men of no special training, none of them in continuous service. Their procedure is exceedingly simple and speedy, and the commodity of justice they provide is cheap and available to all. The higher tribunals, of Region and Republic, are manned for the most part by promotion from these People's Courts, the higher bodies tending (by quashing) to control and keep within legal bounds the administration of the People's Courts, which actually do the great bulk of the judicial business. The judges were originally designed to be elected by the masses, but they are now appointed by the Executive Committees of the Region and the Republic.

Penalty graded according to social status. The law that they administer is one that makes distinction among crimes and criminals in a novel, an extraordinary way. Punishment is meted out, not to fit the crime, but rather to fit the criminal. It is

graded according to the motive and the social origin of the culprit. What we call ordinary crime, such as theft and murder, is not treated with especial severity, but put in the way of cure. The cardinal sin is counter-revolution; crime is dangerous to the degree that the wrong-doer is sinning against the Holy Ghost, the spirit of the Communist Revolution. Theft of food or other commodities is held to be trivial, if it be mere deprivation of another citizen's property. But theft from the state, or any other action that tends to be harmful to the state, is punished with extreme severity. For mismanagement of a state function, or even inefficiency or carelessness in such function, the death penalty is held to be natural and salutary. It will go hard with a railway engineer whose carelessness results in the wrecking of a precious locomotive. Worse yet if he can by any means be linked up with counter-revolution, if, say, he has been heard to disparage the government's conduct of affairs, or his record bears the slightest taint of an interest in anti-communism. In that respect, then, it is class justice. For there is one purpose of the Communist state, not the equality of citizens before the law, but the supremacy of the state and its purpose above all, the inequality of citizens according to their degree of fidelity to that one Communist party purpose.

Union Supreme Court. To the assertion above, that justice is matter for the republics alone, there is this exception: there is a Supreme Court of the Union. It is composed of 30 judges, appointed by the Union Presidium. It exists mainly for the decision of conflicts between republics, for dealing with offenses of Union officials. It has one function that may suggest the United States Supreme Court: it gives opinions on the constitutional validity of acts of the various governments, of the Union and of the Republic. But the parallel does not go far. If the opinion is not approved by the Central Executive Committee of the Union, it does *not* prevail. Again we conclude that the judiciary is an administrative agency; it is emphatically not a body endowed like our Supreme Court with high political function.

Red Army. Among the important agencies of the Union government mention must be made of the Red Army. It has already been observed that this army was suddenly created in 1918

in order to cope with the threatening danger of the fall of the regime, under the assaults of the "White" armies (Kolchak, Denikin, Wrangel, and Yudenitch), supported in considerable but unsystematic and varying measure by the states of the West. From that time the government has retained a strong defense-complex, fearing the tightening of an aggressive cordon of encirclement by bourgeois states, but giving no evidence of a willingness to commit aggression, since internal problems of social reconstruction are too pressing to admit of a diversion of strength to external adventures.

The army an educational institution. According to Trotsky's theory every citizen is a member of the Red Army, actually or potentially. After the civil war was over, the five million army was largely demobilized, and in its place a territorial militia was organized, its personnel in close contact with economic production and the trade unions, but capable of being remobilized in case of need. Some 1,200,000 men annually become liable to army service, of whom perhaps 300,000 are rejected as physically unfit. Half the remainder are accepted in the army for a two-year term, one half in the army and navy, the other half in the territorial militia. The appropriation for military purposes was in 1934 \$850,000,000, which is not a large fraction of the country's budget. But the striking feature of the army is its use as an educational institution. Coming from the farm or factory, the recruit is taught to read and write, and in particular he is taught Communist "grammar" (doctrine). The commanding personnel, in sharp contrast with the tsarist army, is not separated by caste lines from the rank and file; predominantly they are of worker origin. Their relations with soldiers are comradely. The army, then, as a whole, is an institution of government, non-militarist in that it is held strictly under control of the political department.

THE COMMUNIST PARTY

In the order of topics customarily considered in the systematic treatment of a governmental system, we come now to the system of parties—we should ask what manner of social groupings they are and how organized and directed, by what purposes they are

motivated, to what extent and in what manner they influence the operations of the real or legal government. In the case of Soviet Russia we find a relation that is unique—or was unique until Italy followed Russia's example in 1925, and Germany in 1933.

A one-party regime. Analogous to the Italian Fascists and the German Nazis, the Communist party is the one and only political influence that is allowed to operate upon government. Of the English idea—that while the king's government goes on anyway, it should be influenced more or less, now this way and now that, by the successive majority parties, some one among two or three great historic incorporations of ideas in the electorate and the Commons—there is no trace. Nor is there of the French practice of accepting parties in the Chamber as the personal embodiment of ideas, or at least of social groupings and personal followings, which share, in proportions which vary from time to time, the administrative offices of the executive and the leadership of the legislative power. Instead, the Russian Communist party is an *imperium in imperio*. It is in the position of the sovereign, the unified, supreme will of the state, of which all governmental institutions are tools. There is no free competition among parties, nor any of the multiplicity that seems to be required by the very etymology of the term party. Instead of a part, the Communist party is the whole thing, as regards the exercise of influence by the people or on the people. Soviet Russia first developed what Mussolini has talked much of—the *totalitarian* character of the regime. The motives and ultimate social purpose of fascism and communism are vastly different, in some respects diametrically opposed, but as a political or governmental method they are one and the same, in this crucial matter of "monolithic unity."

The world Communist party. We have here to do with what was born in 1903, as has already been seen, the Bolshevist (i.e., temporarily majority) wing of the Social Democratic party. Lenin at Brussels and London on that historic date created the party, gave it a central idea to control strategy and tactics, and ruled it persuasively and effectively until his death in January, 1924. After their conquest of power in the Soviets (summer and autumn of 1917), and in the national government (November,

1917), the Bolsheviks assumed the name Communist party, and from that time on they have maintained a sharp distinction between themselves and the Social Democratic parties of the world. They have built up under the rigid command of Moscow co-operating or obedient Communist parties in the various other countries, foreign sections as it were of *the* Communist party which is at home in the Kremlin. They are absolutely opposed to the Socialist parties in other countries. Indeed it sometime seems as if, in the warfare of propaganda, Lenin and his associates reserved their most vitriolic epithets for the Socialist leaders Kautsky, Blum, Vandervelde, et al., whose doctrine claims to derive from Marx but who, in the Communists' opinion, are misleading the masses into what the Russians call Menshevist compromise, with its trust in the petty democratic superstition of persuasion and parliamentary votes. The Communist party ardently desires world revolution, plans and conspires for it, in Russia until success was achieved in 1917, and in the rest of the world ever since, a revolution that admits no gradualist coöperation or compromise with the bourgeois and intellectual elements in the existing world, but demands real revolution (turning things upside down), economic and social as well as political, immediate, without compromise or limitation. In view of the attitude of the existing forces in the political world, this revolution must be ruthless and will cost much blood. It cannot be carried through without an organization that shall take them weak and make them mighty, by giving them a faith that moves mountains.

Religious devotion. Though the Communist stoutly denies the reality of religion and continues to denounce, not only effete and corrupt ecclesiastical systems, but religion itself as the "opiate" that dulls the people's consciousness of their pain, makes them less or not at all class-conscious, yet there is something akin to religion in the attitude the Communist assumes to his faith, a "power not himself that makes for justice," in the blind obedience he owes to the "party line" of orthodoxy that has been traced for him by the elect; in the devotion that wholeheartedly declares, "though It slay me yet will I trust in It." Here is one sound reason for the party's policy of persecuting

Christianity, at least stamping out the teaching of Christianity to youth: one cannot endure the maintenance and fostering of a conflicting loyalty. So also, for the unthinking mass, symbolic suggestions are developed to a high point of cleverness and effectiveness, for winning and holding men by the emotions. Lenin's embalmed body entombed just outside the Kremlin is viewed by tens of thousands weekly, as a means of grace. Lenin's words are treasured as sacred texts, are placarded as slogans for the reading but unthinking millions, and for others are commented upon in the inspired press as containing the new testament, which was brought not to destroy but to fulfill the old, but admittedly difficult and obscure, testament of Marx. The Lenin-corner with its bust or picture, and edifying quotations, is the shrine dear to every ikon-loving Communist Russian, set up in school or club or other place of assembly, to turn men's casual, unconscious thoughts upward. Lenin himself was too full of modesty and humor to desire adoration for himself, but no doubt his spirit would approve of any process, even his own apotheosis, if this theory of his own assumption of god-hood were found useful, in the strenuous task of building communism in the social institutions and in the mind of the people.

An elite. The constitution of the Communist party, adopted in 1925, clearly distinguishes between the adherents of the Communist faith, who should number tens of millions as the world is progressively gospelized—and the party itself. Only an elite can belong to this church militant, for it makes strenuous demands on its members' devotion. In this respect it is not comparable with the comprehensive Catholic Church but more like the exclusive and rigorously trained Society of Jesus, not comparable with the Democratic or Republican party, but like the small, experienced, closely cohering body of "professional party workers," the "machine."

No deviation. Candidates for admission to the party must have trustworthy sponsors for their genuineness of character, and must pass a period of novitiate before full admission. This requirement varies from two sponsors and six months in the case of laborers to two years and five sponsors in the case of intellectuals; for environment favors the presumption of the genuine-

ness of conversion in the former class, in the latter class does quite the contrary. During the probation period one must give special attention to acquiring merit by good works, the performance of definite tasks in the party's behalf, which are carefully scrutinized by the admission authorities. Similarly after admission one's record is carefully kept. "Deviation" is liable to punishment, to expulsion of the incorrigible or even of the careless from the party in the periodic "purges." Here, in addition to the Red Army and the OGPU, is the explanation of the paradoxical fact that a nation of 170,000,000 has been governed for nearly a score of years by a party which never numbers much more than two million men and women. Many millions vote, but government is the function not of the voters but of the party. These two million are, however, only the nucleus of a body of vast proportions, perhaps dozens of millions, who sympathize or at least acquiesce, and have no effective public purpose save to go along with the Communist party and its rule.

Sympathizers. The governing elite, then, is what we mean by the Communist party, and it is consciously dedicated to a high task, a mission. Members of the party are expected to cultivate knowledge and understanding of Marxian doctrine, and so far as in them lies to spread it to a suffering, sinful world. A high standard of personal conduct is expected of them, lest the nucleus be corrupted and incapable of fostering growth. Their participation in party activities is multifarious, ramifying into the entire conduct of a society's economic production and distribution. This includes the managerial but also the menial tasks involved in the strenuous endeavor to make the Communist Union survive, thrive, and lead the world to conversion.

Young recruits. The older generations, habituated as they are to bourgeois conceptions of life and society, can hardly be rescued; they were born too early. They must merely be restrained, prevented from thwarting the nation's great purpose. All the more the party's activity is directed to the winning and the holding of the rising generation. Education is conceived as the task, not of preparing young people to develop their own capacity and personality, but of preparing a Communist people to live a Communist life, to devote themselves to the building

of a creative, coöperative social body, whose members shall not think of life as the members' free opportunity, but as their obligatory contribution to the life of the whole, not self-directed but controlled to the minutest detail by the omniscient party. There are three organizations which are directed to this purpose, the *Comsomols*, of 16 to 23 years of age; the *Pioneers*, of 10 to 16 years of age; and the *Octobrists*, of 8 to 10 years, the name of the latter taken from the October in which, according to the old calendar, the epoch-making revolution took place. Each of these organizations counts its millions of members, with methods of training, physical, intellectual, industrial and military, such as are adapted to the respective ages and capacities for receiving indoctrination and advancement. It must be remembered that this vast body of youth has known no other than the Communist scheme of life, and that the nation's educational endeavor is entirely spent on them, on training them up as the privileged, but also as the heavily obligated, class who are to be the sovereign party. The organization and conduct of these youth movements has elicited a vast amount of devoted, enthusiastic endeavor, and it would be fascinating, if it were not futile, to speculate on the present and future result, as compared with what had been the former regime's system of political education.

Cells for growth. In addition to this youth movement based on the future, the party has developed a comprehensive propaganda that is aimed at the rest of the population. The basis of this organization is the "cell." This is a group of three (or more) party members, which is designed to be implanted in every production unit, of whatever character, throughout Russia's economic society, and, as circumstances may make it possible, throughout the world. In 1928 it was reported that there were 39,321 cells. The function of the cell is to grow. The peasant or factory worker or soldier is to be reached by man to man contact; propaganda leads to recruitment, then to education in Communist truth. These bodies provide the ultimate units which elect to party congresses and thus to that political organization which controls the government.

Party congress. Every two years a congress of the party is held, in which leadership is exercised and followership rendered, after the manner of parties all over the world. There is discussion, but it is mostly by way of inspiration to the cell-workers; the ascertainment but principally the impartation of the "party line" to the rank and file. The "party line" is not a fixed rigid program but a somewhat flexible body of principles adapted from time to time to the needs of the present situation. But the nature of party discipline is such that the great body of cell-workers play a wholly passive role. The thinking is done by the leaders, who it is true can lead only so long as the followers follow. But following is largely compelled by the herd instinct, by the hard fact that if one diverges one loses touch with that body that gives the cell life; in short, one loses the privilege of party membership, and is out in the cold world of the pariah—politically speaking; and indeed, economically speaking as well, for the price scales that make up the standard of living are so adjusted that if one is thrown out of the party one is very much out of pocket. The Congress is, in fact, hardly more than a ratification rally, which can freely say "yes," and can hardly say anything else, to what has been determined by the Central Executive Committee of the party, the reëlection of which, on its own renomination, is the principal apparent function of the Congress.

Central Committee. The Central Committee consists of 71 persons, regarding whose action we could say again much of what has just been said of the Congress: it listens and says "yes" to its leaders. There is a secretariat and an *Orgburo*, or council of administration. There is also the *Politburo*—and at last we have arrived at the Holy of Holies. Ten men exercise the authority of making up the mind of the Communist party, which, as we have seen, becomes the mind of the Soviet Union, to be listened to and obeyed by the masses, because there is no alternative. These ten men all occupy positions of the highest responsibility in government; but more important is it to say that they provide the thinking organ; they determine the party line of policy and administration. Their discussion is secret;

their decisions irrevocable, save by their own revisions of the party line.

Stalin's general staff. The Politburo is like the English Cabinet, but of course very unlike, in that it is without the Cabinet's responsibility to the Commons. Its head and center is Joseph Stalin, who is a veteran of the pre-war Bolshevik agitation, and was in the small knot of Lenin's confidants. He is not a Russian but a Georgian, but that is an unimportant circumstance. What is important is that it is he who succeeded, after some two years of rivalry and uncertainty and intrigue, in winning the succession to Lenin. Not to Lenin's office: the presidency of the Council of People's Commissars was given to a lesser figure; but to Lenin's dominance in the party. There seems to be little room for doubt that the personnel of the Politburo is determined absolutely by Stalin. His strength is not in theoretical writing or in oratorical leadership, but in quiet management. As general secretary of the party during the crucial years of Lenin's dominance he maneuvered into the key positions of the party the men whom he could personally trust, and he continues to do so: *all* his rivals who were members of the Politburo when Lenin died have either been demoted or exiled. He administers no department of the Soviet Union's affairs; that is left to commissars, who are relatively expert in their several fields, but are mere administrators. Stalin, with the Politburo to assist him, performs the executive function of determining what things shall be done and getting them done. He rarely makes speeches, has no itch for publicity, is associated with no administrative office, with no obvious and therefore vulnerable position in the limelight. He is matter-of-fact, and yet is shrouded in mystery. He is hard to get at, he seems impossible to attack. He *is* the party, but only because the party is pervaded by his trusted confidants. If this system is a "dictatorship," it is a party dictatorship, in which there has been full play for the tendency, sometimes alleged, of every party to lose self-government in order to win effectiveness, and become an oligarchy or an autocracy.

Socialist Internationals. Mention must finally be made of an institution which, though not formally a feature of the government of the Soviet Union, has exercised a fascination on the

public opinion of the world, whether of hope or of dread—the Third International. The number has reference to two preceding Internationals. The First, which was mainly an instrumentality of Karl Marx's early propaganda of socialism, in a world which should be taught that its "nations" were unreal or obstructive, and in which the proletarians of the world should unite and throw off their chains, was rent by doctrinal factions and finally wound up in 1876. The Second International was a loose organization among the national Social Democratic parties which gradually sprang up during the late seventies and played a growing part in the Parliaments of Western Europe, meeting every year or two in a congress for conference on their common problems, each national party, however, playing its own role according to its own judgment of the needs and opportunities of the time and local situation. The World War seemed to put an end to its existence, and to leave the field open for the Third International to fill; but when the Third took on the Russian character, the Second was revived and altered in the post-war period, and maintains an existence on what might be called a Menshevik plane.

Third International. The Third International on the other hand is sharply Bolshevik, or Communist, an organization (1919-) for stimulating politico-economic action in the world at large, such as Russia took in 1917. The Russian is only one of the fifty-eight sections but, as would be expected from the Bolshevik doctrine, there is sharp insistence on absolute authority, and that authority is exercised from Moscow. The Russian section directs the propaganda, but also the program and personnel, of the other sections, in high-handed fashion. Until recently, it excommunicated right and left when there were signs in the non-Russian parties of an effort to coöperate with Social Democratic or other parties. With the rise of the menace of fascism, however, the Third International ceased its public cry for world revolution on the Russian pattern and nothing less. At the Seventh World Congress, in the summer of 1935, it inaugurated the drive for the "united" or anti-fascist front. While this change of attitude is now noticeable everywhere, it is especially evident in France and Spain.

Overlapping personnel. One problem which has ceaselessly vexed other governments when they sought to have dealings with the Soviet Union is the overlapping of authority and the identity of personnel and policy, as between the Third International and the government of the Soviet Union. The world congresses of the International have been held in Moscow, the personnel of the Executive Committee of the Congress includes Stalin and other important members of the Politburo. How far, then, can the Union be held responsible for the International's plans for overthrowing all existing governments outside the Union? There is no evidence that the Union government gives financial aid to the International, indeed its resources are hopelessly short of its own needs for the building of communism in the Union. Yet the officers and Executive Committee and Congress of the International breathe out threatenings and slaughter to the established order in the world, which the other states can hardly ignore. However courteous the Union may occasionally be to its fellow members of the League of Nations and the other members of international society in their diplomatic communications, it is obvious and admitted that these same men, as Communists and as participants for Russia in the Third International, are ardently hoping, by the communist revolution, to overturn them in every part of the earth.

Diplomatic relations with bourgeois states. Yet the fact is that, for economic necessity, and in order to maintain what are regarded as indispensable cultural requirements, most of the states of the world have for years maintained diplomatic relations with the Soviet Union, perhaps we may say conniving at or ignoring the preachments and fulminations of the Third International. There is a slight parallel in the position of the Roman Church in Italy from 1870 to 1929; the Papacy continually denounced the Italian government's presence in Rome as illegal and violent, yet for absolute necessity Church and State held actual relations that were convenient and suitable, *incognito* as it were. The foreign states realize that, for all the Russians may say in their rôle of Third Internationalists, they have another rôle to play, which for them is far more important, that of the conductors of the Soviet Union as the present form

of their Russian state. Whatever Lenin may have hoped in 1917-1918, Moscow has had to realize that Europe is not going Bolshevik, that Soviet Russia has all she can do to make her own living as a national state, that as first things come first Communists in Russia must conduct themselves as the responsible statesmen of the Russian state, which absolutely needs peaceful international society and therefore must play her part in international society, for the preservation of whatever security her internal policy of communism has yet achieved, if for no other reason. This seems to be Stalin's policy, and it is not without significance that the man whose name was universally associated with the leadership of the Third International, Lenin's friend Gregory Zinoviev, is no longer in power, but is—in Siberia. The Soviet Union, which used to denounce the League of Nations as "capitalistic" and made a treaty at Rapallo (1922) with Germany because Germany was out of peaceful relations with the Western Powers, is now an active member of the League, in close touch with France; and if Litvinoff, the commissar of foreign affairs, goes to the Geneva Council (September, 1935) to denounce Italy's conduct in relation to Abyssinia, it is not in the interest of world communism, but of the League system of traditional international law and international coöperation for security.

Freedom of person or group? Personal liberty, of the individual or of voluntary groupings, plays no part whatsoever in the whole Soviet scheme of political and economic life. School, radio, press, platform, association—all are in the hands of the totalitarian state, dominated by the monolithic unity of the Communist party. The comrade-citizen may grumble at will about the shortcomings of individual officers and particular schemes, so long as that is "self-criticism" within the party. But there is no freedom to oppose the party, to agitate, even philosophically and academically, for other modes of social life. The country regards itself as at war, and in such a situation the citizen cannot be allowed to think, but is only required to obey. Political liberty is non-existent. True, it never did exist in Russia. The mass of men have an enlarged rather than a diminished sense of participation in the public affairs, as a result of the frequent

votings and the endless meetings and discussions. They may realize that they are in an educational process rather than a self-governing process, that they are now in school, as they never were before.

But it is worth bearing in mind that, as contrasted with the famous Madame Breshkovskaya and the other pre-Bolshevist creative thinkers, who placed freedom high among human goods, regarding it as a necessity for social progress—the present regime frankly cuts the citizen down to the one virtue of obedience. The worker and the technician are liable to be uprooted at a moment's notice, and sent against their own will to any remote part of the "front." One's will is not consulted in any manner, however indirect. To the individual it is subservience; no longer serfdom to the tsar or to the Church or to the *barin* (landed lord), but service to an omnipotent body which asserts that itself alone is unquestionably right, that it has planned all, and that the individual man has naught to do but obey. But the neutral observer, even the sympathizer, can hardly evade the query: Can one party leader, can even one party that suffers no criticism or opposition, know all?

As this book is passing through the press, the newspapers report an agreed plan for a "new constitution," which Stalin expects soon to present to an All-Union Congress for adoption. This scheme purports to introduce direct, universal and secret suffrage for an All-Union Soviet Congress of 600; also a House of Nationalities, elected by provincial councils, consisting of 10 from each federated republic, 5 from each autonomous republic, and 2 from each autonomous region. These bodies are to meet twice a year for a two months' session; they are elected for four years, but are subject to recall. The disparity in voting power between peasant and artisan is to be abolished. There is to be "freedom of speech, press and religion." The number of constituent republics is raised from seven to eleven, by the separate counting of the trans-Caucasus republics of Armenia, Georgia and Azerbaidjan, and the addition of Kirghiz and Kazak.

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CHAPTER V

ITALY

HISTORY

Until the time of our own grandparents, what we now call Italy was regarded not as a nation but like "Europe" as a mere miscellany of political fragments having no organic union. Furthermore they were without independent self-determination. There was a multitude of disunited, apparently unrelated political survivals of the past. That past was intensely interesting, and in many respects glorious; it had made unique contributions to civilization. But there remained no Italian nation or state.

Physical disunity. The cause of this distracted, dependent situation is in part physical. The peninsula seems, it is true, to have geographic unity; but in contrast with the Alps, useful for defense, the Apennines run across the peninsula from west to east, south of the Po River plain and then turn south, breaking into a series of mountain masses scattered throughout the length of the peninsula. The land is thus divided by mountain barriers into a large number of regions that have relatively poor accessibility, the one to the other. There results misunderstanding and fear. The peninsula thus becomes, so to speak, an archipelago; but unlike the isles of Greece the regions do not enjoy the sea as a suitable means of intercommunication. The mountains have divided Italians against Italians during many centuries, and national unification had to wait until recent invention brought the telegraph wire and the railroad tunnel.

Vulnerability. The central position of Italy in the Mediterranean has indicated her as the natural *entrepôt* for a great proportion of the shipping of that important area of commerce. But it also makes her vulnerable, especially when we consider the narrowness of the peninsula, which averages only 100 miles

wide. She is almost completely devoid of harbors on the side toward the Adriatic, whereas the opposite coast is abundantly supplied with potential naval bases. An eastern neighbor, if hostile, or any other power with a strong fleet, can bombard her vital trunk railways, which at some points are compelled by the mountainous configuration of the country to run close to the seaboard. This fact must be remembered in connection with Italy's apparently grasping policy regarding Dalmatia, Albania, and the new state of Jugoslavia.

Historical disunity. But Italy has suffered even more from human history than from geography. The seat of Rome's empire remained of supreme fascinating interest to the whole civilized world long after the empire's power had crumbled to bits. A medieval Hohenstaufen or Hapsburg emperor of the German nation did not feel himself really settled in his "holy" empire until he had been crowned in the Roman cathedral of St. Peter. This meant for the Italians a periodical invasion by Germans. Furthermore, as order on the imperial scale broke down, feudalism came to do its disunifying work. Every little political magnate set up his own local seat of power, perhaps a castle on the hill dominating a village which had crouched there for safety's sake since the dawn of history; the lesser folk had to make obeisance. Principalities, duchies, and counties grew up in great numbers, their relations loose and tangled. Toward the end of the Middle Ages there was also a flourishing development of free cities in the north, but even these were doomed in the Renaissance period to come under the tyrannical domination of local schemers or mercenary Condottieri, who founded new local dynasties. Each political fragment concentrated its attention on its petty self: on defense especially, and then on expansion by conquest, by marriage, by intrigue. The Age of Machiavelli continued until almost our own day.

Roman Church. There was also the Roman Catholic Church. During many centuries the Popes had regarded the maintenance of their own temporal state as a first necessity for preserving spiritual freedom, for exercising God's dominion over the earth. The States of the Church covered the city on the seven hills, but also an extensive area beyond, which dominated the middle

of the peninsula. Having unique spiritual connections with the Catholic world, this papal state, secular as well as spiritual, could not content itself with the Italian world, yet stood eternally blocking every genuine attempt, confined to the peninsula, to unify the Italian people in one nation, under one secular state.

Cultural decline. Outside of Rome and the scattered cities, deforestation of the mountain sides, perhaps furthered by the breakdown of the ancient Roman aqueducts, made much of the peninsula a malarial desert; desert encouraged brigandage; brigandage necessitated town residence, and caused neglect of the connecting roads and watercourses—a vicious circle. When Goethe visited Rome, somewhat over a century ago, the Forum Romanum, which had been the center of Caesar's world, had degenerated into the *foro vacino* (cow pasture), surrounded by bandit-infested slums, dangerous to health and to life. The metropolis of civilization seemed to be reverting to the jungle. A dozen or so Italian regimes were in a relation of mutual distrust and consequent insecurity, like that of the nation-states of Europe today. In both cases, Italy and Europe, there was a slight beginning of common and international law, a vestige surviving from the common heritage of all, the law of mighty Rome, which had been miraculously preserved for posterity in the codification of 529-534 A.D. The materials of this code were indeed Roman law, but the code had been made in the Greek city of Constantinople, and the emperor who proclaimed it was that early medieval conqueror Justinian—a Yugoslav!

Foreign invasion. From the beginning of Rome's decline, non-Italian powers had regarded the world's capital and its surrounding territory as fair game. Foreigners in various regions of the peninsula, by conquest or by intrigue, had set themselves up as local princes and made themselves at home. French Angevins, Spanish Bourbons, and especially German Hapsburgs and their protégés sat on Italian thrones. These miniature states varied greatly in strength and in degree of culture, but all together presented an apparently immovable obstacle to Italian consciousness of unity and especially to Italian self-government. *Fuori i barbari* ("Away with the barbarians") became the slogan of high-minded seers and desperate conspirators for Italian

freedom and unity; but these Italian-thinking individuals were scattered, oppressed, kept under by the Vienna-controlled soldiers and police; and worst of all, the peoples to whom they must appeal for a following were disunited, full of mutual scorn and distrust.

Resurrection and redemption. The period of the rise of the Italian nation (1848-1861) is called the *Risorgimento*, which means "resurrection." The process by which these dead bones were brought together to form a living body has given us the word *irredentism*, whose literal suggestion is the redemption of slaves from foreign dominion. One nucleus of freedom established itself and then proceeded to help its enslaved brothers free themselves and join.

Many Italian state fragments. When this redemptive process began, by far the largest Italian state was Naples, called the Two Sicilies, which included the southeastern third of the peninsula as well as the great island. Here a Bourbon dynasty, even as late as 1851, was perpetrating a barbaric tyranny that was so inhumane and devastating as to earn the scorn of a distinguished visitor, William E. Gladstone: it was "the negation of God erected into a political system." In contrast with this Neapolitan kingdom, most of the far northern Italian regions were still under the direct government of the Austrian Hapsburgs. This Viennese empire could number among her most considerable cities both Venice, with all her ancient glory of medieval maritime empire, and Milan with her promise of a great modern metropolis. The peninsula comprised a group of principalities, mostly weak, corrupt tyrannies, which were at the beck and call of Prince Metternich in Vienna, one of whose cardinal principles was that Italy must remain a mere "geographical expression," must never become a unit of political nationality. Even Piedmont, at the southern slope of the western Alps, destined to be the "cradle of liberty," still suffered the bigoted absolutist sway of a dynasty, which, although nominally independent of both Hapsburg and Bourbon, looked to Vienna for its directing principles.

Here was a political situation such as later generations were to call characteristically "Balkan": state fragments, bent on de-

stroying or absorbing each other; the worse because of the necessarily violent character even of the measures proposed for improvement. It seemed a hopeless incurable case; but a miracle was brought to pass. In a dozen short years (1848-1860), the dry bones had stirred, come to life and begun to be a living body.

Mazzini. First in importance among the heroes of this *Risorgimento* is Mazzini. Writing in exile and fomenting conspiracies of romantic self-sacrifice, he taught Genoese, Sicilians, and even Florentines, that their present loyalty was petty and mean, that they must think of themselves first of all as Italians; that being men, it was their *duty* to be free and united. It was the fruit of his thirty years of seed-sowing that gradually ripened as a genuine Italian consciousness, at least in the minds of those Italians who could read, especially those who could be inspired by the call of duty.¹

Garibaldi. Spiritually less significant but far more famous was the hero Garibaldi. Inspired by Mazzini's ideal, he developed an extraordinary talent as conductor of guerrilla warfare. Sailing with what became the famous Thousand "Red Shirts" from Genoa to Sicily (1860) he inspired an anti-dynastic crusade, of which he was himself both hero and wonder-working saint. First Sicily, then the south, gradually the bulk of the peninsula—bit by bit, almost all the fragments of Italy were magically inspired and enabled to expel their tyrants. Though republican in purpose (under the teaching of Mazzini), Garibaldi was at the critical moment persuaded to utter his famous "*ubbedisco*" ("I obey") when an Italian king stood before him.

Cavour. The strategist and the symbol of the *Risorgimento* were Cavour and Victor Emmanuel II, respectively prime minister and king of Piedmont, who worked hand in glove. Cavour,

¹ Mazzini's "nationalism" had little in common with the ambitious belligerent expansionism of the modern Nationalist and Fascist parties. If he desired to put together the Genoese, Florentine, Sicilian fingers to form an Italian hand, he likewise regarded that Italian hand as only one limb or member in a European or world body. He expressed his fear of "the narrow spirit of nationalism substituted for the spirit of nationality; the stupid presumption of each people that they are capable of solving the political, social and economical problem alone"; he confidently anticipated the growth of a permanent international league of coöperation.

a country gentleman of Piedmont, was an ardent admirer of the English political system. In his newspaper *Il Risorgimento* (1847) he ardently advocated Piedmont's transformation toward the likeness of England. In 1848 under this journalistic pressure, augmented by street insurrections such as were common to all Europe in that fateful year, the king, Charles Albert, granted a charter (called in Italian *Statuto*), which was written largely under Cavour's influence, but bore the appearance of a gift from a sovereign to his subjects. Operating that constitution, with Cavour almost always as premier, Piedmont acquired experience of parliamentary freedom such as was to prepare her to be the leader and nucleus of free Italy. The individual king who had granted this *Statuto* was doomed to fail. In 1848 he attempted to lead an Italian war of liberation against Austria; his Piedmontese resources were inadequate, he failed miserably, and abdicated. But his young successor Victor Emmanuel II, against almost irresistible pressure from victorious Austria and many home advisers, refused to cancel the constitution his father had granted, though the circumstances were now exceedingly unfavorable for its maintenance. Here was for Italians a miracle, equal to Garibaldi's military prowess—a king who actually kept his word. The *Re Galantuomo* ("honest-man king") became a symbol, a standard to which the Italians of all regions could rally.

The miracle of 1859-61. Cavour, as foreign minister, combined boldness and caution, long foresight with ready opportunism. He sent Piedmont's soldiers to participate in the Crimean War (1855) solely to put France and England under obligation to Piedmont in the critical time that was coming. Napoleon III's interest in the principle of national self-determination Cavour exploited in Italy's interest, as well as Liberal England's sympathy with the oppressed. France as Piedmont's ally in 1859 assisted in the freeing from Austrian rule of Lombardy, with its great enterprising capital Milan. Then came Garibaldi and his white magic, suddenly ridding all the Italian regions of their tyrants. Cavour arranged that they should vote by plebiscite to accept the "honest-man" Victor Emmanuel as their king, and Piedmont's *Statuto* as their constitution. With

some exceptions, Italy was now made; and immediately, most untimely, Cavour died.

Later redemptions. The chief exceptions to complete unity were the regions about Venice and Rome. In each case, by a continuation of Cavourian diplomacy, the ambition of an external power was exploited for the redemption of further Italians. In the case of Venice it was Prussia's sharp and decisive defeat of Austria in 1866. Rome had to wait until 1870, when it was France's turn to be overwhelmed by Prussia. Napoleon's garrison for protecting the Pope having been withdrawn perforce, the Italian troops marched into the city. The papal army resisted, symbolically, the Pope declaring that he yielded only temporarily to force, and remained a prisoner in the Vatican; but Italy had at last achieved the possession of her fateful capital. Between Italian state and Roman Church with their irreconcilable claims to the city, tension remained. A mutually satisfactory regime of international relations between them grew up *de facto*; but for reasons of ecclesiastical policy in the world at large, this *de facto* relation had to wait until 1929 before it could be definitely agreed to and explicitly proclaimed.

CONSTITUTION

Constitution loosely written. The constitution of Italy is the *Statuto* granted to his own subjects by the king of Piedmont in 1848, and later accepted by plebiscite, as the other portions of the peninsula one by one voted themselves into united Italy. This document had never been drafted by a representative constitutional convention, it contains no amendment process. It was a mere documentary nucleus, to which subsequent enactments of Parliament and political and administrative practices were added from time to time, resulting in a constitution that was far more British than American or French or even traditionally Piedmontese in political quality.

It had always been understood that the *Statuto* was not to be a barrier against progress, but only a limitation upon the former absolutism of the king. Its terms were broad and general, touching lightly upon the rights and duties of citizens, the powers of Parliament, ministers, courts. Some of the phrases

seem to have been purposely left ambiguous. For example, "the king appoints and dismisses his ministers; the ministers are responsible." To the mind of its royal author, this probably meant ministerial responsibility to the king. But Cavour immediately developed sufficient prestige to impress upon this phrase the English meaning, that ministers must resign when they lose the support of the Chamber of Deputies. In another phrase, apparently unambiguous, the *Statuto* declares that the "Catholic, Apostolic, Roman religion is the only religion in the state." This was the declaration of a bigoted orthodox king in 1848. The events of 1870, the Pope's indignant and persistent protest against Italy's acquiring Rome as her capital, tended to make the politicians of the new kingdom anti-clerical. The withdrawal to the Vatican tended to drive the Pope's cordial supporters into opposition to the constitution and indeed to the whole constitutional regime. The conversion of erstwhile anti-Catholic Fascists to the doctrine of the Nationalist party in 1923 made the state authorities pro-clerical again, and in 1929 there was mutual recognition of church and state, and a Concordat. Yet none of these events was controlled by the terms of the written constitution; there was no formal amendment of it.

No judicial review. No court exercises the right to uphold the written constitution against the will of Parliament and king combined, expressed in a formal statute. On some occasions Parliament has refrained from passing what might be regarded as a constitutional amendment—that is, a statute of considerable innovation—until after a new parliamentary election, called and campaigned on that specific issue, seemed to give popular authorization. But even this usage, familiar in England, is by no means compulsive; as may be seen from the fact that quasi-universal suffrage was adopted in 1912, fully three years subsequent to a general election; and it certainly had not been an important issue in that election. Similarly, proportional representation was adopted by a Parliament that was (1919) seven years stale, separated from the voting people by all the events of the war.

In the early days of the Fascist regime (1922-1924) there was much talk of revising the *Statuto*. It was obvious that the re-

gime of Mussolini, which has yet to be described, was utterly at odds with the "constitution" of former times. The Fascist party in 1924 appointed a committee of its notables to suggest changes that should bring the document into conformity with present practice, but no formal amendment resulted. The portentous changes of the last decade have not been hampered by the loose terms of the document, generally speaking; but it is evident that the spirit of the old constitution, as practiced by Cavour and his successors, is dead. The constitution of today is to be found in the practices of Mussolini.

KINGSHIP

Piedmont monarchy becomes Italian. The monarchy has been mentioned as the symbol utilized by Cavour for the purpose of aiding the unification of the Italian people; but that monarchy has undergone extraordinary transformations. The ancient Piedmontese dynasty which took its family name from Savoy (French since 1860) had grown to become Italian. The prestige of Unification and the tact and patriotism of three monarchs (son and grandson as well as the Honest-man King) have brought about the ready acceptance and the unqualified Italianization of the Piedmontese monarchy. Though Mazzini and Garibaldi had been republicans, they and their followers finally accepted the monarchy, as constitutionally conceived by Cavour. It came to be recognized as a highly valuable, unifying element, needed for the counteracting of many social tendencies that were and remain divisive.

The present king, Victor Emmanuel III (1869-), came to the throne in 1900. Self-effacing to a fault, he has never played a political role, acting rather as a symbol of the nation's unity, under the control of whatever seems to be indicated as the dominant political force at every period.

In pre-Fascist days, the presence of many minority parties in Parliament, rather than two competing teams, seemed to give him a more active role in selecting ministers than that of the English king, his model in most respects. But actually the royal will had no actively determining effect. His function, like that of the French president, was to invite men to become premiers

by combining responsible ministers, experimenting until the will of Parliament could be ascertained. Over their policy it is not known that by advice or instruction he exercised any appreciable influence; the prime minister's responsibility to Parliament was absolute.

Formal powers. The powers of the crown include by written constitution or by custom the usual powers of administering public business and of initiating legislation and dispensing justice. But, as in England, this is all form. It is the ministers who exercise these powers: the king is irresponsible. He may, of course, advise, encourage, or warn his minister. He might, it is true, even refuse a premier's dissolution of the Chamber or exercise of martial law; but always on condition that he was able to find a succeeding premier, who would assume responsibility for these acts of policy, and whom Parliament would support as acceptable to itself. It was on this basis that Mussolini achieved the premiership in 1922, and he remains still the king's prime minister in name, however much the Fascist revolution may have altered the real constitutional situation.

Association with Mussolini. Mussolini, prior to 1922 (August), was a republican. At the opposite pole of political thought, Mazzini and Garibaldi had also been republicans. But the monarchy had become a symbol of constitutionalism of the English type, as democratic as a republic in actual effect. Yet Mussolini found it worth his while, in preparation for the seizure of power in October, 1922, explicitly to abandon his "republican tendency" in order to get the support of the Nationalists, who in army and court had always been strong supporters of the monarchy. He has subsequently found it desirable to utilize the monarchy as a convenient element of the machinery of national unity, a symbolically valuable organ of the nation's life, and has suffered apparently no embarrassment from it in the creation of the Fascist regime. As will come to light, however, this regime involves a complete departure from the former position (democratic constitutionalism) of the king, and it is not unlikely that these events may have altered the country's attitude toward him. It was the king who invited Mussolini to be the country's prime minister in 1922 and who has acquiesced in all the subsequent

evolution. Is it irreverent to say that now, over a dozen years later, it is Mussolini who waves the king as a flag? In a conceivable shift of fortune that should bring Mussolini down, would "constitutionalists" restore the king? Or has royalty become so deeply involved in the Fascist regime that anti-Fascism, imaginably triumphant, would seek elsewhere for a symbol of a new free constitutionalism?

PARTIES

Cavour's party system. During the creative decade of the fifties, the political circumstances were so extraordinary that Cavour must needs occupy the whole stage of the Piedmontese Parliament. As the result of the *conubio* ("marriage") of parties which he arranged with his rival Rattazzi, there was one great government group. Opposition was too much like treason to the great national purpose of unification. But almost the moment that purpose was achieved, Cavour died, and the *conubio* broke up. In the new Italian Parliament there now began an alignment of conservative Right versus radical Left, which continued for a decade and a half. The statesmen of the Right, claiming inheritance of the Cavour tradition, were generally in office, with a policy of rigid police repression and of grinding taxation, regarded as necessary for the purpose of assuring the national unification. Finally, in 1877, the rule of the Right came to an end. It went not only into opposition but also into permanent decline.

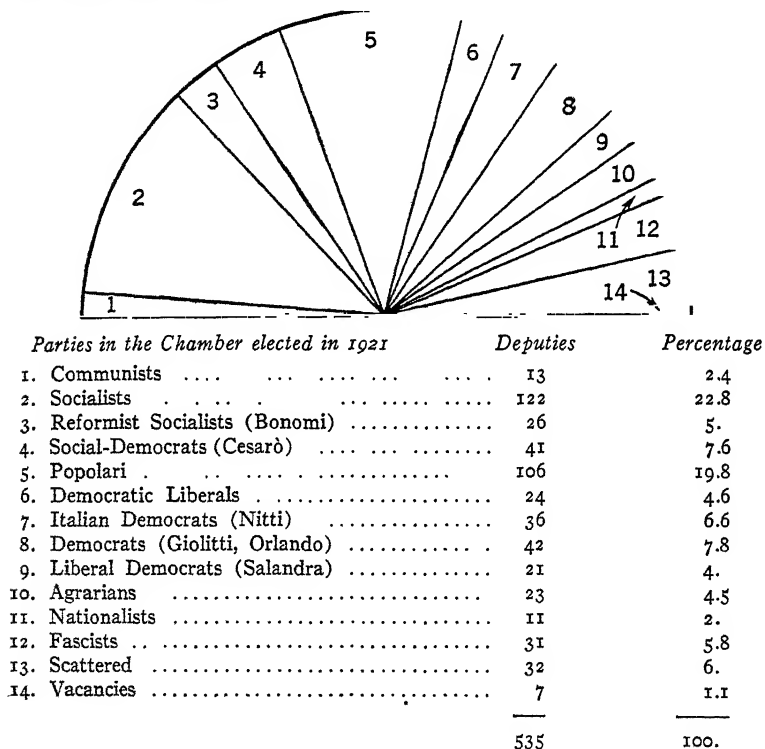
Decline of party politics. In the period from 1877 till the Fascist revolution of October, 1922, several political factors tended to falsify the operation of the party system. (1) The hostility of the Papacy drew devout Catholics out of politics, hence drew all anti-clericals into unnatural union. Both groups were thus denied the opportunity to express divergent views in normal party alignments. (2) Instead of corporate bodies, continuously developing over a long period of time, setting men to the service of ideas, the parties tended to become bodies of personal henchmen. (3) Historic and social forces produced a sort of political feudalism. Voters sent deputies to Rome, and deputies in Rome maintained ministers in office, not on grounds of national policy but on grounds of mutual service. The nexus

binding all together was governmental favors, procured from the administration by ministers for deputies, dispensed in retail by deputies to pay their political debts and secure reëlection. (4) Truly national policy came to be regarded as a matter for ministers alone, in which voters and deputies were incapable and uninterested. If a Depretis (1879-1887), a Crispi (1888-1896), a Giolitti (1901-1915), were clever in his distribution of administrative favors he might conduct national policy as he would. There was no powerful Opposition to criticize constructively, and eventually supplant him. Practically irresponsible, his political task was to play group leaders off against each other, combine, drop or reabsorb them in his constantly shifting majority. (5) Parties, according to the classic concept of Edmund Burke, tended to disappear; for groups of men coöperating to give effect to ideas were excluded from any hope of power. Their criticism became extravagant, since they would never be challenged to realize their proclaimed ideas. They became doctrinaire, using Parliament as a mere mechanism of irresponsible propaganda.

The present Fascist regime avowedly rules out the party system by practice, and since 1926 by law. Nevertheless, in a study of Italian political forces it will be useful to observe summarily the parties as they used to be. Though now inoperative, they still exist in the minds of many politicians, and may be of importance in the future. The appended table sets forth the party composition of the Chamber that resulted from the last free election (May, 1921).

Giolittian groups. The middle groups (4, 6, 7, 8) had much in common in their history, but were particularly insistent on the matters that distinguished them from each other; all collectively were often called Constitutionalists, sometimes Liberals, sometimes in a very broad sense "Giolittians"; they were distinguishable, if at all, mainly with reference to individual group leaders and their respective slants of view. Their total (143 out of 535 deputies) is the low point to which in 1921 they had been reduced from previous omnipotence, by encroachment of new left-wing parties, and by a disintegration that had been accentuated by the proportional representation scheme adopted in 1919.

The Right. The Liberal Democrats (9) continued under Salandra's lead, as formerly for many years under Sonnino's, to represent the ideas of the old conservative Right. The Agrarians had recently reappeared as a party of land-owners' defense, against the post-war Socialist-*Popolari* plan of giving the "land to those who work it."



The Socialists. Italian political socialism looks back to a considerable history. In contrast with liberalism, socialism has never divided on local or personal interests or become their tool. It has been mostly confined, it is true, to the north, because there alone was to be found the industrial population which could provide congenial soil for its growth. But its members arriving at Montecitorio, the Parliament house at Rome, were not agents of special economic interests or of local populations

asking favors from the administration. They were individual ciphers in a large total sum, disciplined soldiers fighting on a national scale for an ideal of social revolution and reconstruction, in the interest of one nation-wide class, the proletariat.

Division regarding collaboration. On the other hand, socialism has suffered more than its fair share of division, on a long series of doctrinal and tactical questions. There was a bitter contest in the seventies and eighties between the socialism of Marx and the anarchism of Bakunin, which has left its mark on proletarian action in Italy to this day. In the early twentieth century there was competition between Marxian orthodoxy and revisionism, i.e., between revolution and evolution in socialism. Should the party abstain from participation in the political action of the bourgeoisie and regard proposals of social betterment by parliamentary process as mere capitalistic tricks? Should it wait outside and plot for the cataclysm? Or should it bore from within, "collaborate" with radical democracy in measures of social amelioration, preparing and achieving the social revolution by gradual stages? In general, the "revisionists" got the upper hand. The Liberal premier Giolitti came a considerable way to meet them, seeking perhaps to save the nation from socialism by inoculation. The close connection between Italian socialism and the trade-union movement worked in the same moderating sense, interesting politicians in the immediate material demands of the wage-earners more than in grandiose dreams of social reconstruction.

Mussolini as orthodox Socialist. In 1912, however, against this attitude of the seasoned socialist parliamentary leaders a new force manifested itself in the person of Benito Mussolini, who succeeded in expelling from the party the collaborationist leaders, and getting himself elected editor of the party organ, the *Avanti*. Socialism, he would say, must not be "revisionist," must be undiluted by democracy or liberalism, must be its own orthodox, thorough-going revolutionary self.

The war. Then came the war. In contrast with the French Socialists, Italian Socialists as a body never joined the rest of the nation in *union sacrée*. There was more of neutral internationalism, less of trust in the dominant political class, more of

cordial resentment against capitalism as the real enemy of proletarians of all the world. Yet there were some socialist elements who coöperated in the war effort. Mussolini himself, after a few weeks, turned patriot (September, 1914), left the party, and in his own new "socialist and interventionist" newspaper *Popolo d'Italia* became a vehement proponent of Italian intervention on the side of the Allies.

The effect of bolshevism. The Russian Bolshevik experiment of 1917 made a deep impression on Italian Socialists. This new hope was heightened by the exceeding war-weariness of the Italian population, their disgust at profiteering, governmental inefficiency and the sharp economic distress resulting from unemployment and ill-organized demobilization. The man in the trenches had been promised appeasement of the age-old land-hunger, solution of social problems. Disillusioned by the failure of the millennium to arrive with the Armistice, disgusted with the shillyshallying of politicians, Italians flocked to the standard of the party that had always preached fundamental change for social betterment. In the election of November, 1919, out of 535 deputies the Socialist party elected 156, becoming by far the largest group in the Chamber. A large proportion of the new Socialist deputies were utterly without political experience, many were crude and merely riotous. It may well be that their very numbers contributed, with their inexperience and indiscipline, to the embarrassment of their parliamentary leaders and the breakdown of the party as a parliamentary instrument. Ever since that election the party has been rent by internal dissension. There gradually came to be three sharply distinct parties assuming to speak for the proletariat, as it were a Right, a Center, and a Left within Socialism, the last named seceding in 1921 to form a Communist party under the direction of Moscow.

Catholic politics. In a land of Catholics, which had known the Pope as temporal sovereign, a political party appealing to Church loyalty was sure to be an important factor. In the last decade of the nineteenth century, especially after Leo XIII's encyclical *Rerum novarum*, there appeared in many parts of Europe a party of so-called Christian Democrats, Catholics agi-

tating at the same time the claims of religion and the proletariat. In Italy the new group grappled with a double task: (1) Under religious auspices to win over the artisans and especially the agricultural workers and protect them from the socialist propaganda; (2) To organize these recruits for the promotion of a radically democratic ideal of social justice—not “socialist,” but equally not bourgeois. But the taint of modernism was easily detected, and by Pius X’s conservative policy after 1905 their movement was condemned. Simultaneously, there was an increasingly coöperative relation between Clericals of more conservative tendency and Giolittian Liberals, which was signalized by the gradual case-by-case relaxation of the papal prohibition of voting, to secure electoral coöperation against the Socialists. This was not democracy. Giolitti was exploiting church discipline to make politically faithful followers for his own purposes, not for reform but for maintenance of the status quo against Socialist attack.

Sturzo’s Christian Democrats. The war over, society (churchmen included) seethed with millennial hopes of social improvement. Yet there was a widespread idea that bourgeois “liberalism” had been discredited along with much of the pre-war past. A new Catholic party, the *Popolari*, sprang into being in January, 1919, to Christianize and democratize the social order at the same time, to provide a new earth under the guidance of the agents of the old Heaven. It was not called Clerical, for it was largely laic in its composition. Yet its creator and trusted leader was a priest, Don Luigi Sturzo, mayor of a Sicilian town, a shrewd manager of men, a clever propagandist, a successful organizer of coöperatives and other mutual benefit associations on a local, provincial and national scale. In Rome he had been a successful lobbyist in behalf of cities and provinces that desired self-determination, and for social service agencies that required legislative and administrative favors. He organized the peasant’s demand for distribution of the land to those who work it, the factory artisan’s demand for decent labor conditions, the demand of the small towns for bourgeois freedom from profiteering, for municipalization of the public services.

All was done under priestly guidance, in the spirit of harmony, not of class war.

But the appeal of the new party was even wider. It demanded moral regeneration of a political life which the war had revealed to be hollow and insubstantial, rejection of the old type of professional politicians, purification from corruption. The boundless enthusiasm which in 1923, as we shall see, characterized the popular attitude toward fascism attached in 1919 to Popolarism. Men then had hope in the healing, miraculously renovating word "reconstruction." At their very first election (November, 1919) the party elected 100 deputies. But there was another spirit that turned out to be still stronger.

Nationalists. *Nationalism* is one of the weightiest of the spiritual factors in present-day Italy. It is a complex of history and aspiration for the future, ennobled by a fervor of quasi-religious faith but debased by the smug social egoism which stands for "my country, right or wrong." Prior to the era of Mussolini, nationalism as a political creed had been too strong wine for the multitude, and was shared only by a small knot of intellectuals, mostly lecturers and writers.

Contrast with Mazzini. The Risorgimento (1848-1870) had been a miraculous national rebirth. Mazzini, its prophet, had succeeded in his seemingly impossible task of rousing Neapolitans and Romans and Florentines to realize that they were members of one Italian nation. But Mazzini was as much anti-imperialist as he was nationalist. He regarded the nation as inter-dependent among other nations. He abhorred war as "the foulest of all crimes unless undertaken to enthrone a principle or to entomb a lie." The modern Nationalist shares with Mazzini his reverent devotion to the National Being, more sacred than the life and liberty of individuals or the welfare of any class. He is in the spirit of Mazzini when he worships the nation as "an organism covering an unlimited number of generations in which individuals are but transitory items—the supreme synthesis of the material and spiritual values of the race." But he parts company with Mazzini, emphatically rejecting all cosmopolitan or even inter-national interests. He regards colonial imperialism and war as a glorious experience, an indispensable

school for the training of national will and nationalist sentiment.

Mussolini an anti-Nationalist. After the super-human nationalist achievement of 1861 there was a long period of relaxation, as men gave their attention to problems of internal construction. But nationalist sentiment revived about the turn of the century, after Italy's humiliation in 1896, the Abyssinian disaster and Premier Crispi's fall. Nationalists resented the abandonment of Crispi's imperialism, and the rise to influence of the pacifist extreme Left, in the long period (1901-1915) of Giolitti's domination. At last in 1911 they whipped the nation into war, to seize Tripoli from the Turks, against the strong opposition of the then ultra-socialist Mussolini, who said in July, 1910, "The proletariat must not pour out its precious blood as a holocaust to the Moloch of patriotism. The national flag is a rag to be planted on a dunghheap."

Doctrine of Nationalists. The Nationalists' doctrine was not such as would attract the ordinary voter. They despised democracy, regarding it as corrupting "demagoguery"; they frankly exalted discipline, inequality, hierarchy—concepts which the present generation associates with Mussolini and fascism. They demanded punctuality, cleanliness, self-sacrifice, vigor, and were unsparing in their denunciation of the materialism and inefficiency which they pessimistically regarded as the necessary consequence of any attempt to realize the democratic ideal. Let Italy rise in her might and throw off the dependence and inferiority to which history had accustomed her. Let her redeem herself from dependence on the sated nations of western Europe, for there was a world to win. Let her beat the other nations at their own game, wage wars, seize colonies, dictate terms.

National egoism sacred. At the outbreak of the war, Premier Salandra's *sacro egoismo* was pure Nationalist doctrine. Here was the possibility of redeeming the Italians that remained under Austrian rule, of making the Adriatic an Italian lake, of carving out a colonial empire in Africa. But there was no easy triumph; rather there were three and a half years of torture in the trenches. The disaster of Caporetto, late in 1917, compelled the whole nation to bind itself together in an agony of heroic national de-

fense. The battle of Vittorio Veneto (November, 1918) was viewed as the triumph of Nationalist Italy, redeeming herself by smashing into fragments the age-old Hapsburg enemy. Their victory was supposed by Italians to be the chief cause of the downfall of Germany. Correspondingly great was the chagrin of the Nationalists when the peace negotiations brought Italy no share in the spoils of the German and Ottoman Empires, and seemed to impose the League of Nations as a definitely anti-Nationalist institution for reconstruction of the new world. But their day was soon to dawn.

The later history of the Nationalist party is lost in the rise of fascism. Immediately after Mussolini's seizure of power, the executives of the Fascist and Nationalist parties decided (November, 1922) upon action in common; in the following February entire fusion of the two parties was decreed. They were ideally suited for this marriage. Fascism had originated as a mass in action, with a leader, but without a doctrine; Nationalism was a general staff and a doctrine, but without leader or rank and file. The Fascist leader and rank and file have swallowed Nationalist doctrine whole, and include the most authoritative Nationalist staff experts as their most trusted agents and guides.

FASCISM

Historical phases. Fascism comes last to be considered among the parties, but there is an obvious difference. We must distinguish four phases: (1) a vague but active movement, beginning in March, 1919; (2) a party, organized as such in November, 1921; (3) a so-called dictatorial state, beginning with Mussolini's appointment as prime minister in October, 1922, and culminating, after January, 1925, in (4) the rejection of coöperation with other parties, the frank proclamation of uncompromising totalitarianism, which excludes on principle any coöperation with non-Fascists, and regards the Fascist party as the whole state, the Fascist leader as autocrat.

The Fascist name is now supposed to be associated with the *fascēs* of classic Rome, the bundle of rods bound about an axe, to be borne by the lictor, as emblem of the authority of the state. But that association is only an after-thought, dating from the

fourth phase just mentioned, at a time when Mussolini would suggest to modern Italians an imperial Roman destiny.

Strength in union. Of greater significance in the origin of fascism was the suggestion of Aesop's fable regarding the father who proved to his quarreling sons, by means of fragile sticks and an unbreakable bundle of sticks, that "in union there is strength." As long ago as 1893 "fascists" was a term applied to Sicilian laborers united under the auspices of Socialist agitators to wring concessions from their employers. There were also "men banded together" (*fascisti*) for other purposes on various occasions such as the combination of war interventionist groups (1915), and the coöperation of some 300 parliamentarians (1917) of various parties who demanded a more vigorous prosecution of the war.

Veterans unite. The *fasci* with which we are here concerned were originally unions of ex-soldiers banded together early in 1919. The movement was formally initiated in Milan on the 23rd day of March, in a meeting said to be of 145 men, almost all of radical views, some socialist, some syndicalist, some anarchist. It slowly spread in northern and central Italy, in the form of local lodges, which gradually acquired a close-knit organization on the national scale. From the outset the organizing direction was the work of Benito Mussolini.

Mussolini's origin. Born in 1883 near Forli in the Romagna, the son of a blacksmith father and school-teacher mother, this man grew up in circumstances of poverty. Self-educated, he early became a socialist and tended to the school not of Marx but of Sorel, a believer in "direct action," intelligently applied violence. He spent important early years in Switzerland, Southern France and the Tirol, mainly occupied in seeking to wring a starvation living out of hard manual labor, but incidentally acquiring foreign languages, and writing in the socialist press. He learned to know from intimate human association the distresses and possibilities of labor, as it became politically self-conscious under socialist guidance. Before he was 25 years old he had been excluded from Switzerland, France, and Austria, and soon had to serve a prison term in Italy for subversive propaganda activity in opposition to the war with Turkey (1911-

1912). A born journalist, he conducted a weekly, the *Lotta di Classe* (Class Struggle), and by 1912 won his way to the editorship-in-chief of the official Socialist party organ, the daily *Avanti!* He was never subject to party discipline, however, and never hesitated to castigate the Socialist group in the Chamber of Deputies. Particularly he opposed their tame collaboration with the bourgeois Left groups in Parliament. In September, 1914, he bolted the party and its newspaper; with the help of French money he founded a new paper in Milan, the *Popolo d'Italia*. He now agitated for Italian intervention on the side of the Entente: there were Italians to be redeemed; but also war must be seized as the opportunity for preparing social revolution. He served a year on the Isonzo front, and became a corporal of *bersaglieri*. Severely wounded by the explosion of a trench mortar, he returned after recovery to the "internal front," and resumed his journalistic activity in the *Popolo d'Italia*. This newspaper, from an infancy of struggling obscurity, grew with its founder, and became ultimately the most influential periodical in Italy. But in the early days it was the organ of the combatant and the ultimate producer, raging against official socialism (though still calling itself socialist) or any other defeatist tendency, but also against slacking, profiteering, and plutocratic oppression.

Nationalist conversion. Mussolini, notwithstanding his contrary attitude in 1911, had by 1914 become intensely nationalist. His fundamental purpose in leaving the *Avanti* was to agitate among the workers for Italian intervention in the war. His newspaper campaign contributed to the tumultuous national outburst leading to the war declaration of May, 1915, which was made not by Parliament but distinctly against its will. Not unnaturally he now refers back to those "radiant days" as the first act of the drama that later developed into his March on Rome and eventual overthrow of the parliamentary constitution. The peace-making of Versailles, and the so-called "renunciatory" foreign policy of the Nitti and Giolitti ministries (1919-1921) developed in Mussolini unmitigated bitterness and distrust of other European Powers, but it also confirmed his long-time habit of despising the ordinary type of Italian statesmen. D'Annunzio

at Fiume, defying Premier Nitti, as well as President Wilson and the Entente, became the living symbol of his faith. Nationalism must assert itself violently, must itself reap the rewards due to the Italian people's war sacrifices, which other nations would deny, and which Italy's legal government seemed disposed to renounce.

Journalistic flair. Mussolini is evidently no ordinary man, though opinions vary, from the adoration usually paid to his deified person, down to the caricature of a "sawdust Caesar," vividly drawn by the former *Chicago Tribune* correspondent, George Seldes. With some talent for organization, he is keen to assume responsibility and to command, is absolutely self-confident. He combines a measure of calculation with passionate, theatrical boldness, whereby on occasion he can sway the multitude. A twentieth-century *condottiere*, he wins and holds the loyalty of henchmen to an extraordinary degree, or at least makes his team-mates realize their utter dependence on his captaincy. Obsessed by a superiority complex, he has no regard for his readers' or hearers' sensibilities, rather is fond of shocking them, imposing himself on them as one not like other men. He began as an orator of few words, but those few full of force. More recently, as he develops in the presence of enthusiastic audiences the defense of his regime, he has seemed to become, like certain other orators, not alone Italian, "intoxicated with the exuberance of his own verbosity." But perhaps his key quality is an extraordinary journalistic flair for what the readers of today's paper want, how and where they can for the moment be led. With intuitions of statesmanship, but even more with an inborn sense of the stage and its limelight, the current issue of the paper and its headline, he captivates his audience.

Opportunist. Political opportunism is the explanation of his constantly changing program. So far as a political platform is visible in the *Popolo d'Italia* of 1919, one would suppose his interest to be mainly absorbed in such topics as the abolition of the Senate and the dominance of an elective body, representative principally of Labor; distribution of the land to the peasants; the gradual handing over of industrial wealth to Labor; republicanism; anti-clericalism; war against militarism. He has

strayed away from some of these points. Doctrinal consistency was nothing to him; the movement was everything—action; and action for Italy. Political purpose has not been fixed by principles, but has rather lain in his demand for strong-willed nationalistic action, with constantly flexible adjustment to the changing forms of an inextricably confused political environment.

Fascist phases. What is fascism, in idea and purpose? Its elements have been many, contradictory and changing; but four aspects may be emphasized, taken in chronological order of their preponderance in fascist thinking: (1) Veteran Self-Defense, (2) Nationalism, (3) Anti-Bolshevism, (4) Absolutist Revolution.

1. **Defense of the veterans and of their war.** The comradeship of veterans, demobilized in early 1919, was to be perpetuated, their interests protected, their sacrifices commemorated, their common aspiration for a new world realized. These young radicals whom Mussolini gathered about him were bound together mainly by resentments, some of which were well-grounded. These ex-soldiers had a grudge against the artisans of the new steel industry of the north, who had been relatively well paid during the war and free from the perils and toils of the trenches, but had been deeply imbued with internationalist socialism, and were unpatriotic to the point of willingness to strike while in the midst of war.

Anti-army sentiment. The intense war-weariness of the population and disgust at the failure of hopes had combined with vague pacifist humanitarianism and socialist aspiration to imitate Russia in her communist revolution. Anti-militarist sentiment was strong and widespread. It manifested itself at times in disrespect for the uniform and personnel of the army, and even the national flag. On occasion railroad employees refused to operate their trains because of the presence of an unpopular general or of troops bound on some unpopular errand. Fascists resented the supineness of the government in the face of such conduct, and in particular the ministerial order (under Nitti) that officers refrain from wearing the uniform when off duty, lest occasion be given for the manifestation of anti-army sentiment. This, they felt, was an unbearable insult, suggesting that the

nation itself did not appreciate the men who had fought and suffered for its salvation.

2. **Nationalism.** An outlet for some of the energy of these young fighters appeared in Fiume and Dalmatia, notoriously one of the difficult problems of Paris peace-making. Do Wilson and Clémenceau thwart Italian expansion across the Adriatic? Let the answer be given in Italian fashion. In the Risorgimento, Mazzini and Garibaldi had become national heroes by conspiracy and conquest, conducted in behalf of Italian nationality but without formal state authority. So in 1919 let the sacred cause of redeeming Italians be similarly served. Accomplish facts, and the diplomats will have to record them. The world-famous poet D'Annunzio in September led a body of mutineers from the Italian army and seized Fiume, which had been assigned by the Paris peace-makers to Yugoslavia. Nitti's government disavowed and protested, but could not restrain and dared not try to oust him. Mussolini's newspaper in Milan applauded and became the home base for D'Annunzio's legion and its lawless enterprise, whipping up favorable sentiment and raising funds for the support of these irregular super-patriots. On one occasion the *Popolo d'Italia* went so far as to say with D'Annunzio that the capital of Italy was not on the Tiber but on the Carnaro (Fiume); *there* were the real Italians, fighting for the national cause in spite of the Roman government's treachery.

Consequences of Fiume raid. But if D'Annunzio is a poet, Mussolini is a man of practical politics. After a year and a half the Fiume idyll lost somewhat of its savor: Sforza's treaty of Rapallo (October, 1920) made a reasonable compromise between the demands of Italy and Yugoslavia; Mussolini frankly accepted the compromise, being more interested now in internal politics. By Christmas of 1920 the premier felt strong enough to expel D'Annunzio from Fiume by force of arms, and the latter withdrew to his villa on Lake Garda, to sulk. But one consequence remains: the whole tendency of the Fiume raid had been to teach the dangerous lesson that force can for a long time defy law, that chauvinism can arouse a considerable portion of the nation's armed forces to mutiny, and thus cast discredit on Italian military and social discipline.

3. **Anti-Bolshevism.** To appreciate *Anti-Bolshevism* as the third element of the idea of fascism one must imagine a state of society during 1920-21 which many sober observers thought was tending toward chaos.¹ Socialism had acquired a considerable hold in Italy long before the war, and during more than a decade had been sending several dozen members to Parliament. To an unusual degree the Italian socialist attitude was anti-national, before, during, and after the war. Until the disaster of Caporetto late in 1917, little was constructively done by the army or the government to make the people think of the war as a people's war, which should enlist their dutiful if not enthusiastic co-operation. Socialist-minded labor was taught by some of its most influential leaders to regard the war as a capitalists' affair, to which they might assume a neutral or defeatist attitude. The national rally of self-defense and union of all classes came late (1918), was never complete; after victory it was quickly forgotten or derided as moonshine. The Nitti Cabinet was genuinely pledged to an attitude of internationalism; furthermore, in his contest with D'Annunzio and with internal reconstruction difficulties, Nitti felt under the necessity of leaning heavily on the Socialists (156 deputies) and the *Popolari* (100 deputies)—many of both groups being "radicals"—in order to get a working majority in Parliament. The effect on legislation and administration was to involve the state in a miscellany of collectivistic experiments, state efforts to control production and distribution. These plans were of wide scope and variety, but under the difficult circumstances of 1919, they were inevitably of little efficacy. This movement of ideas compromised the bourgeois state but did not succeed in winning the left-wing parties to sincere co-operation. They were rather inclined to regard each concession as a fair occasion for setting their demands higher.

Class dislocation. The end of the war meant army demobilization, and also the repatriation of many thousands of ex-prisoners. The reëntry of these dislocated masses into agricultural and industrial life, embarrassing enough at best, was made doubly difficult by the sudden stoppage of war industries, in

¹ Professor Salvemini's statistical analysis has recently shown how baseless was this apprehension. See Salvemini, Gaetano, *Under the Aze of Fascism*.

which had been invested an abnormal proportion of the nation's mobile capital and enterprise. Even agricultural reconstruction faced unexpected difficulties. For the land-hunger of the rural poor had been whetted by promises made to men in the trenches that when Italy should be saved she would at last solve the age-old latifundia problem; the land should be taken from the absentee landlords and assigned to real farmers to till it. The soldier returning to find himself landless as ever, and now jobless, was enraged. Agricultural laborer and artisan alike, suffering from fantastic prices of the necessities of life, shared the world-wide frenzy of suspicion and hatred of profiteering. There was a fertile field for the growth of political discontent, instability, speculation.

Socialism in cities. One-fourth of the communes passed into the hands of the socialists, who proclaimed that the day of the proletarian revolution was at hand. The red flag supplanted the national tricolor over many a town hall. Municipal socialism was experimented with on a grand scale, the state acquiescing and giving financial encouragement at some points. Municipal pay rolls swelled to mammoth proportions, both by the raising of the wage-scale and by the taking on of new ill-organized functions. Inexperience and impatience for results from grandiose plans brought the municipalities far on the road to financial ruin. The tax-payer was aghast, helpless, furious.

Rural disorder. In close connection with this municipal action by councils and mayors, there were also rural "defense leagues" which, under similar socialist auspices, commandeered the visible supplies of food and other necessities and resold them to the consuming public, at "political prices." This mercantile operation, as well as the control of labor opportunities (in a period of widespread unemployment) by socialist Chambers of Labor, was a delicate function easily susceptible of corrupt favoritism as between socialist fellow-partisans and the rest of the community. There is abundant evidence that the result was veritable tyranny, multiple, local and uncontrolled, but generally associated with the name Bolshevik, oppressing the citizen in his most intimate social relations. The famous movement for artisan seizure of factories and for peasant redistribution of agricul-

tural lands threatened the institution of private property. There was a dangerous blurring of the distinction between necessary reform of the evils of the land system and the introduction of workers' participation in fixing the conditions of industrial labor, on the one hand—and vulgar brute robbery on the other, the outraging of established and well-founded property rights.

Strikes and lockouts. Another feature of disorder which became endemic in 1919-20 was the strike and lockout mania. This was manifestly due to the incompatible demands of two conflicting interests, each ready to go to extremes and defiant of the public interest. Capital, in the presence of disordered markets and crushing taxation, was seeking to retain profits by reducing labor costs below what were regarded as the extravagant wage scales occasioned by the war. Labor was seeking to maintain these scales in the hope that such costs could be borne directly by the profiteer or might be thrown off on the consuming public. But the strike might be used for political as well as industrial purposes; demonstration strikes, to show the power of the organization, to sap the prestige of the employer, to rehearse labor for the mythical General Strike that was to revolutionize all society. This incessant preliminary warfare tended to diminish production and to make yet more unemployment and disorder. Workers tended to lose all sense of discipline, capitalists all sense of moral obligation and leadership. With the growing embitterment of both sides, conciliation became more and more difficult; and the state seemed to be looking on with folded arms.

The disease spread to the public services, for example railroads, the post and telegraph, and the local transportation and lighting systems. On one occasion the nation's capital found its public lighting cut off, by way of reprisal for a grievance suffered by the electricians' union! Organized labor seemed to be measuring its strength against its employer, the state, trusting to the government's taxing and borrowing powers to meet wage demands; they might be unfair, considering other wage scales, but that depended upon the point of view. It might be ruinous to the public credit, but what then? If such blackmail was to be resisted, the only alternatives were stoppage of production, public inconvenience and danger to an extreme degree, or—coercion by

force of arms. This the Cabinet dared not try, resting as it did from day to day upon the precarious support of a Chamber that was split into many competing personal factions, its largest party the Socialists. This situation was what some were ready to call the decay of bourgeois civilization.

Fascists as anti-Socialists. The challenge was taken up by the Fascists, whose mind was occupied both by nationalism and by implacable resentment against the anti-national Socialists from whom Mussolini had rebelled in 1914. Spoiling for a fight, these young warriors found a popular cause and won the plain citizen by their ardent energy in its prosecution. They told the world they were saving society from its "subversive" destroyers; the ordinary person applauded as the Fascists attacked the strikers, who were making a nuisance of themselves by their sabotaging of social convenience. Vigilance Committees are never nice in their choice of methods, the devil must be fought with fire. A veritable civil war ensued, lasting many months of 1920-21, costing the lives of several scores of Fascists and an unknown number of "the enemy."

Favor with various classes. It is easy to imagine how welcome Fascist activity would be to several classes, for a variety of reasons. Petty shopkeepers had seen their stocks commandeered by the socialist Chambers and Councils and Leagues, their business threatened with extinction by municipalized or coöperative agencies. The small bourgeoisie, the whole consuming public indeed, resented the high wages of artisans, set high by war conditions and later kept artificially high by strike and boycott methods. Large property-holders, industrial and agricultural, would be glad to provide the Fascists the costly military equipment with which the war had made them familiar—at first in order to protect owners in their legal property, later as an instrument in their not so praiseworthy efforts to fight down labor costs. "Big Business," having its old score to settle with the trade-unions, would fain eliminate the troublesome and expensive devices (shop councils, limited hours, standardized wages) hard won by Labor in its long campaign for legitimate self-defense against rapacity and oppression. Let Labor be taught its place.

If the Fascists are able and willing, support them—with millions if necessary.

If the rich and the respectable were openly applauding the Fascist activities, what wonder if the law, the police, the executive, looked on perplexed, waiting; especially since Parliament, leaderless in the presence of many faction leaders, wrung its hands and waited—for a master?

4. *Absolutist Revolution.* The fourth element of the Fascist idea, *Absolutist Revolution*, is vague in its beginnings, and rather a result and interpretation of events (the conquest of power by Mussolini) than a conscious purpose. The Fascist name came gradually (1922-) to be associated with a purpose that was positive, constructive, idealistic—to revitalize the sick state with young blood. It was not a new purpose: certain evils had long been known and methods of cure suggested. Fascism said that it offered the will and energy to apply that cure. Government by "senators" has, by very etymology, been government by old men; but now *giovinezza* (youth) was in the air; boldness, readiness for change, for action rather than pale, sickly thought, paralyzing doubt and endless debate. Mussolini preached the doctrine of Theodore Roosevelt, that in spite of mistakes there is virtue in energetic action; worse than thoughtless action is inaction, which is senile.

Anti-governmental. This notion, appearing latest in the evolution of the Fascist idea, was a response to the neutral attitude of the government toward social war. It came by way of challenge: since the old politicians, using familiar constitutional methods, cannot solve Italy's problems, let them stand aside; or if they will not stand aside, the Fascists will forcefully seize the helm of the ship of state. Nothing old is sacred. Let the constitution of 1848 be made over fundamentally, to suit the needs of 1922. Let bureaucracy be purged. Let the corruption of Giolittian *parlamentarismo* be cut away, even if organs of democracy be carried away too.

Fascist groups. The great bulk of Fascist recruitment and support was in the north; they were weak in the south and the islands. Speaking by and large, wherever they were found, the Fascists were of the following social classes. First there were

the veterans of the war, especially the young officers and the *Arditi* (shock troops). It was their militant and bold tone that predominated in the movement. This class was later extended, as it were, to include the students, too young to have seen actual service, but full of eager, envious sympathy with the fighting class. Youth was impatient with the slow processes of education and democratic experience. Ardent, they would cut all Gordian knots, both political and social. More important, there came in the propertied classes, high and low; landlords, factory owners, tax-payers, small bourgeois, who have an economic stake in present-day society and its institutional organization. They had never heard of the radical Fascist program of 1919, and only knew that the Fascists of 1921 were shedding blood against Bolshevism, when the government's action seemed flabby and inert. They gladly financed fascism therefore or at least made no resistance to its onrush; their youngsters enthusiastically enlisted in its squads. There was also a respectable sprinkling of intellectuals, whether romantic dreamers of an Italian power worthy of Roman imperial tradition, or idealists of social reconstruction, who hoped for a new society, which youth might serve with enthusiasm.

Gang violence. In addition there was the riff-raff of undisciplined, even anti-social elements, that always attaches itself to any active movement. There were private revenges that could be satisfied under the protective anonymity of the black shirt. There were the unoccupied, the socially dislocated, left in the lurch by the ending of the war, the *Ardito* type, that is indispensable in desperate war enterprises but hard to fit into a peaceful civilization. The excesses of their *squadismo* (gang violence) constituted one of Mussolini's most difficult problems in later days, occasioning much preaching of an "iron discipline" that was impossible to maintain. To transform these guerrilla bands into an armed party (1921) and later (1923) into a militia bound to the legally controlled service of the Fascist state, was to create a pretorian guard, a temptation to empire, impossible of adjustment to constitutional law and government.

Fascism in politics. The Fascist group made its first serious bid for votes in the election of April, 1921. The premier con-

trived an alliance of his Constitutionalists with these energetic, obstreperous youngsters, hoping thereby to break the power of Giolitti's two great adversaries, the Socialist and *Popolari* parties. After using them as shock troops for this electoral battle he hoped to be able to "put them in their place," which in his opinion was certainly not the parliamentary scene. The result of this playing with fire was intensely disappointing to Giolitti. The Socialists and *Popolari* came through the election practically as strong as before, and his new allies, brought into Parliament under his wing, proceeded at once to defy their patron. The thirty-one Fascists took their place at the extreme Right, and proceeded to sabotage parliamentary activity, especially on points of governmental policy which they were pleased to call "demagogic"; that is, measures in behalf of labor and social reform. They gradually absorbed, from the Nationalists, their close neighbors, an advocacy of the "strong state," which meant a state tending away from parliamentary toward absolutist executive control. They secured an influence on parliamentary activity that was proportioned not to their numbers but to their impudence. Talking about the "strong state," however, they did all they could to render impotent the state in its parliamentary constitution, to make the governments of Premiers Bonomi (June, 1921–February, 1922) and Facta (February, 1922–October, 1922) more and more weak and ineffective.

Civil war. Outside of Parliament the Fascist squads made life miserable for the Socialists and *Popolari*, hamstringing the elective organs of local government (provincial and municipal) in which those parties had acquired large influence. The infamous use of castor oil and the bludgeon (and where necessary stiletto and bomb) tended to drive out of governmental participation all decent citizens who were not disposed to fight (literally) for the practices of electoral self-government. Aided by sympathizers in the army, supplying military equipment, the Fascist party army grew to a position of mastery in province and town. They purported to be motivated by a purpose of expelling the "subversives" (Socialists and *Popolari*), and thereby won the passive acquiescence of the non-political middle-class citizens who were only interested in social peace and unaware of

the danger involved in leaving peace to be made by violent rowdyism. Fascism carried a suggestion of the Vigilance Committee, with here and there a touch of the Boy Scouts, and of the Ku Klux Klan. But there was no mystery about its main purpose, which was to produce terror, and eliminate the Social Democrats and *Popolari*. Here they were effective. But law and order were the chief sufferers; the result, locally speaking, was the rule of the *Ras*, a miscellany of local chieftains (their very name derived from the Abyssinian brand of feudalism) who captured local government piecemeal and proceeded to exploit it in their own interests. There was only a minimum of national unification in the person of Mussolini, whose editorials and speeches were to give a suggestion that what had been done in province and city had yet to be done on a national scale.

Factory occupation. It is widely believed that the critical campaign in this conquest of power was the Fascist "defense of the factories" against Bolshevik invasion by factory laborers in September of 1920. But in truth the fate of Labor's rash attempt was otherwise determined, and it is only by a false, date-twisting interpretation that this episode could be called a Fascist victory, or even a Fascist attempt to serve the nation. Upon the workers' seizure of the factories, the canny premier, Giolitti, sent in no police, mobilized no soldiery, but held his hand. Available troops were wanting, factory-owners were not willing to have their properties bombarded, and Giolitti thought best to allow Labor to learn its own weakness. As for Mussolini, it is on record that early in 1919 at Dalmine, he had been actually encouraging factory "occupation" by factory laborers, for righting Labor's wrongs. On the more famous occasion of September, 1920, having meanwhile perhaps become doubtful of the popularity or success of the movement, he assumed a neutral position.

Failure of factory occupation. Neither the army nor the Fascists got the workers out of the factories. Rather it was the workers' own realization, after a few weeks' experience, that capital and enterprise are as indispensable as labor itself to the productive process. Labor found itself helpless without capital for acquisition of raw materials and for the financing of the productive process, without management for direction and for dis-

posal of the finished product. Furthermore, Labor's Socialist party was suffering from dissension and was unsure of its own ground. Moscow, by its pontifical definitions of orthodoxy, had produced a serious split. Much dismay had been produced by the extremely adverse reports made by an Italian Socialist mission to Russia, that the results of Bolshevism when put into uncompromising operation were disastrous to production, to the nation, and to the workers themselves.

Fascist "mop-up." The truth would seem to be that, regarding its anti-Bolshevism, fascism was mainly effective not in a strategy of attack, but rather in the harassing pursuit of a self-defeated, retreating enemy, "mopping up" in detail. By August of 1921 this pursuit had been so far successful that a halt could be called. Under the auspices of the president of the Chamber of Deputies, a truce was patched up between the Socialists and the Fascists. Mussolini was now in Parliament, with prospects of growing political influence. But, though serious¹ in his peacemaking, he could not carry his followers with him. A monster robot (*squadrismo*) had been created, which could not be controlled even by its inventor. Guerrilla actions continued to take place. Indeed, the Bologna Fascists in November, 1921, defiantly gave Mussolini to understand that if he gave up anti-Bolshevist violence he was thereby forfeiting the headship of the Fascist movement. He recanted his peacemaking, and in order to retain the lead took the violent line which his followers were evidently bound to pursue.

Mussolini challenges parliamentary premier. This civil war (1921-22) came to its climax in the "March on Rome" (October, 1922). The *imperium in imperio* declared itself ready to displace the lawful state and to set forth a new Italy, freed from the restrictions of the familiar constitution as well as from the ineptitudes of Giolittian parliamentarism; and bound for a new expansionist, imperial future. The March on Rome, in historic truth, was not a military conquest (no drop of blood was shed), but a curious combination of intrigue and bluff. Con-

¹ On July 2, 1921, Mussolini wrote: "To say that there still exists a Bolshevik peril is to substitute certain unnecessary fears for the reality. Bolshevism is vanquished. Nay more; it has been disowned by the leaders and the masses."

summate skill in propaganda had led the ordinary ill-informed citizen to believe that it was only Fascist energy and efficiency which had saved the nation from the horrors of a threatened General Strike on August 1st; that while the premier (Facta) was pusillanimous, Mussolini offered a promising prospect of reinvigoration, which the state could no longer do without; that even Labor was flocking by the thousands, out of Socialist into Fascist trade unions. After an impressive demonstration of Fascist numerical strength, parading in Naples, Premier Facta weakly yielded to a demand that his Ministry be reorganized. Mussolini, on being repeatedly sounded as to Fascist demands for ministerial positions, set his price higher and higher. A court cabal of Nationalists persuaded the king that his throne was in danger—and the trick worked.

Mussolini premier. Mussolini was "sent for" by the king and given a free hand to form his own Ministry and save the nation in crisis. The validity of this coup depended on whether Parliament would accept the new Ministry, and the amazing fact is that it did. On the 16th of November the Chamber, cowering under a defiant address in Cromwellian tone from the new premier, gave the full powers he demanded. The Mussolini regime was in operation.

THE MUSSOLINI REGIME

Cabinet with full powers. But it would be a mistake to regard the events narrated in the previous paragraphs as the inauguration of the Mussolini regime, as we know it now. It was no unprecedented thing for Parliament to grant "full powers" to a responsible statesman, for achieving difficult but necessary reforms, answerably to the nation's representatives. Furthermore, the Ministry which Mussolini appointed appeared not essentially different in composition from the "ministries of national concentration" which France uses from time to time (e.g., Poincaré in 1926), for uniting many parties to master a severe crisis. Mussolini was generally applauded as an apostle of national integration, when he appointed not only four Fascists besides himself, but three Nationalists, two *Popolari*, one Democrat, and one Social Democrat, and two non-party technical experts, the heads

of the army and navy during the last phase of the war. He did not receive these ministers as a coalition resulting from inter-party negotiations, but boldly took to himself full responsibility as their masterful leader. He seemed to be summoning men of all parties (the Socialists rejected the invitation) to a coöperating public service, in voluntary obedience to his direction. Possibly public spirit had been only galvanized into activity; Italy was perhaps living, as Ramsay MacDonald suggested, on medicine rather than health. But in a country where individualism had always been excessive it was refreshing to find men of diverse view devoting themselves coöperatively to the public service, not under the glamor of war but in the humdrum conditions of peace. Might it not be that this dose of poison-like medicine was destined to enable the sick state to pass the crisis and to usher in a lasting improvement of the nation's health?

A real "dictator." The subsequent dozen and more years must be divided into two sharply contrasted parts by the fateful Matteotti crisis and Mussolini's speech of January 3, 1925, a far more significant date than that of the March on Rome. During the first period there was frequent evidence of Mussolini's expectation to be a "dictator," properly so called, *temporary* as well as absolute in his power, answerable to the nation as soon as he could report that the crisis was past. The receiver should deal with assets and liabilities, then report to the court and retire. If possible, the concern should be reorganized: an end of the Giolitti "system" of Parliament and administration manipulated in terms of mutual corruption; an end of Italy's patient supine acceptance of an inferior position in the world.

There were large and respectable elements in the press and in public opinion which fully expected that once the cleansing work had been performed by Mussolini's rare energy, the constitutional ideal of Cavour should be restored. It was a serious risk that had been taken when a *condottiere* of armed men had been accepted as premier, but one cannot always choose. After the crisis, they would say, Mussolini must of course subject his leadership to the nation's free choice, in press and platform discussion, in electoral decision and parliamentary vote. Even Mus-

solini at times lent countenance to this view: "normalization" was variously proclaimed as a Fascist purpose.

Collaboration difficult. But, whatever might have been, events willed that he could not escape from his nearest followers nor from his own essential self. Collaboration was proclaimed to be the order of the day; but with a man of Mussolini's temperament and record, collaboration became almost impossible. As early as April, 1923, the *Popolari* realized that their assistance was acceptable not on agreed terms, but in unthinking obedience. They quit. Group after group learned the same lesson, and went into opposition.

Opposition unendurable. Opposition had been normal in the constitutional regime; Cavour gloated and throve on it. But the dictator could not endure it. Plenitude of powers tempted and corrupted him, and he would not lay them down. It gradually came to light that he was unable to do without them, that he could not subject himself to criticism, or let his powers be reconsidered by those who had once granted them. He had ceased to be a dictator, had degenerated into a despot, unwilling to yield to Parliament or voters the right of criticism.

It may be that under happier circumstances this personal change could have been averted, but Mussolini's followers were an insuperable obstacle to his return to the constitution. The monstrous djinn, *squadrismo*, once conjured out of the bottle, could not be conjured back. The Fascist armed bands were not to be controlled even by Mussolini's preachings against violence.

Matteotti's murder. The murder of the Socialist leader Matteotti, in June, 1924, was the decisive event for the regime. Notwithstanding Mussolini's disclaimer, it was manifest that the outrage had been perpetrated in the Fascist party interest, by well-known agents of Fascist policy; Mussolini's own words fatally involved him as a virtual instigator. During six months he struggled to carry that damning burden of Fascist responsibility for political crime and yet to retain the coöperation of non-Fascist groups of Parliament. But it became more and more obvious that coöperation was impossible.

Aventine protests. Half a dozen opposition parties (including royalists and republicans, proletarians and bourgeois, Catho-

lics and atheists) seceded from Parliament and in moral protest went out to sit (symbolically) on the Aventine Hill, hoping to bring the government to constitutional terms, to penitent resignation. This was futile. But even the groups of patient collaborators with fascism fell away one by one: all the ex-premiers and their followers, and even the Ex-Service-Men's Organization and certain independent-thinking Fascists. In December came the publication of certain accusing memoranda of Fascists who had been closely associated with Mussolini and had been made his scapegoats. At last on the 3rd of January, 1925, addressing the Chamber, he boldly took upon his own broad back the responsibility for all that had been done in the Fascist name, challenged the Chamber to remove him, and declared his readiness to maintain himself by force.

"Totalitarian" regime. The pitiful failure of the protesting parties to think and act in harmony, the obvious want of any workable alternative (person or program) to the existing regime, left Mussolini in power. But from that time Mussolini was constrained to recognize that he was not a dictator but a despot. The official title is President of the Council but the reality is undoubted, and is signified for the party and now for the nation, by the universally accepted title *Duce* (leader). For better or worse, the regime frankly recognized that it had become, not collaborationist, or leading, but absolutist, intransigent, or, as it came to be called, "totalitarian." All that was truly Italian had to be Fascist—nothing against fascism, nothing external to fascism.

Relations between leaders and their leader. If fascism was absolutist, what should be the relation, within fascism, of leaders and their leader? The other parties were all liquidated and proscribed after the Declaration of Intransigence (January, 1925), but what was to become of the Fascist party itself? There was a long transitional period, with frequent "purgings" of the party membership. As early as 1923 and 1924, there had been the expulsion of the Fascist leader of Naples, Captain Padovani, and the public cudgeling of Forni of Milan; these were earnest devoted Fascists who were difficult to deal with because they had minds of their own. There were deep-seated differences within

the party, between labor and capital, between industry and agriculture, among regions and among personal factions. There was jealousy between new converts (climbers) and those who had borne the burden and heat of the day. There was difference of principles between radical reconstructionists and conservatives, difference of tactics between compromisers and intransigents. To weld these irreconcilables into a coherent whole requires infinite confidence in the head, a heavy reliance upon the military virtue of obedience.

Staff work. As in any politico-military organization, a difficulty of the first magnitude was the provision of adequate staff work. Technical problems of administration and of constitutional reconstruction called for experts, to make Fascist vigor intelligent and effective. *Giovinezza* (youth) cannot provide it by intuition. During 1923 one heard of "groups of competence," technical staff committees for finding facts, ascertaining principles, digesting solutions. Massimo Rocca was the organizer of these "groups," but he fell from grace, was beaten and exiled; and his system fell with him. The reason was to be found in the military character of fascism, which constitutes its weakness as a political scheme. Such men as Rocca were *criticizing*, subjecting tentative solutions to the necessary analysis and rational debate. If critical thought on a delicate or fundamental matter of politics or economics be once set going, it cannot be stopped at the moment the commander-in-chief makes his decision. But after he has reached his decision a *Duce* who is inspired by the divine Nation cannot endure criticism; opponents are *ipso facto* disqualified, but from followers criticism is indiscipline and treason. A truly tragic situation, so far as Mussolini's fascism had won the allegiance of intelligent men. Intellectuals with wills of their own, out of their very devotion to the cause, have criticized tentative schemes and fallen out with the *Duce*; have consequently been expelled with resounding scandal or quietly suppressed. Toleration of differences would have been a means of strengthening statesmanship, but it is repugnant—and tabu. Critical thought has been driven underground, to acquire explosive force.

Duce is military chieftain. The internal organization of fascism combines the military and the political. The title *Duce* is equivocal, suggesting the political "leader," but also the *condottiere*, or military chieftain. In the early days of the movement the military character was emphasized, in the interest of the conquest of power; but the exigencies of Fascist propaganda and organization necessitated decentralization, with much variety among regional and personal objectives. After the conquest was achieved, and as Mussolini's ideas of government developed with events, the political character received more emphasis and the party grew to become an instrument of the state, to give Fascist indoctrination to citizens.

Militia. So far as the military theory was actualized, the scheme was simple and flexible, with the substitution of names (maniple, cohort, legion) that should suggest ancient Rome. The Fascist squads as a whole were merged (1923) in a militia under the *Duce's* command, as a secondary military force at the nation's service. All other parties' squads were dissolved.

Fascist lodges. The political organization of the Fascist party involved local lodges for conducting both recruitment and political education, local secretaries, national committees and directing tribunals, all heading up in a national party secretary. In this one instance, the merging of party and state made it natural that the party secretary should be received (1928) into the Ministry, for intimate advice to the premier, on the same plane of dignity with the heads of administration departments. In the early days there was an appearance of self-government within the party, with elective committees and national congresses; but it was soon recognized that a numerous congress could not deliberate and decide, but should only have its faith confirmed by inspirational addresses. "Electionism" is now deprecated, even within the party, and all designations of party servants are by superior appointment, the party recognized as a propaganda agency in the nation's service, its strategy and tactics determined by the chief.

Grand Council. Staff work for the party is a function which developed an organ that is of special interest, the Grand Council of fascism. This is a body which, like the English Cabinet,

evolved spontaneously and unperceived, unknown to law, until it came to be regarded as both motor and regulator of the machine. Whatever advice or advisers Mussolini may have heeded in earlier days, the Council made its debut on the 13th of January, 1923, when a fundamental decision had to be made as to the party militia, and again on the 13th of February, when it was determined that one might not at the same time be a Freemason and a Fascist. Having thus early gained recognition, the body continued during the ensuing six years to be the supreme advisory council of the man who was head of the government, but was at the same time *Duce* of the Fascist party. It generally included, by Mussolini's invitation, those of the Ministry who were Fascists together with the executive officers of the party; also the heads of certain important agencies of the party's activity, such as the militia, the press and propaganda offices, the Fascist educational work with boys, university students and women, later also the Fascist coöperative associations and the Fascist trade-unions.

Informal growth of Council. The Council met only when Mussolini chose and he was its chairman and program-maker. After a party activity (and later any important state activity) had been confidentially discussed, Mussolini had uncontrolled power to state "the sense of the meeting." A colorless resolution might be issued to the press; but, more importantly, the local party functionaries were informed of what was now the "party line." The Council was a body unknown to the law, but politically dominant. What Mussolini in council determined was as good as adopted; Ministry, Chamber, and Senate might be regarded as subordinate agencies for working out the details of the decisions and giving them legal form. But at the February meeting of 1928, the Council resolved "that the time has arrived for its constitution, its functioning and its position among the constitutional organs of the state to be regulated by law." A new statute had just devolved the virtual appointment of the Chamber of Deputies upon the Grand Council of fascism. The slight defect that this latter body had no recognized legal existence was quickly remedied, by the usual procedure. The Grand Council agreed upon a bill for its own constitution, which

was immediately enacted by the Chamber and Senate December 8, 1928.

Council legalized. By this law the Grand Council was declared to be "the supreme organ coördinating all the activities of the regime." Its functions were elaborately defined, in terms that are so broad as to leave no limitation on its thought and action. Its composition also was given definite form, with three categories of members: (1) senior veterans of the movement, including ex-ministers and former party secretaries; (2) heads of economic, political, and administrative agencies that are under Fascist auspices; (3) "persons who have deserved well of the nation and of the cause of the Fascist Revolution"—a total of fifty-two as decreed in January, 1929. Needless to say, all owed their appointment directly or indirectly to Mussolini. If there were any thought that the party was here acquiring a representative body and a provision for continuity, independent of the will of Mussolini, the matter was settled by the *Duce* himself. In order to guard against the dangerous ambitions of would-be successors, he amended the clause that provides for the Council's preparing a list of names to fill a premiership vacancy, himself inserting the significant phrase "on the proposal of the Head of the Government" (himself). Clearly, the Grand Council was to have no existence or power of action save in and through him. Discipline is the watchword, obedience to the omnipotent, omniscient One.

Council yields to autocracy. The curious fact is that as the Grand Council was acquiring *de jure* existence it was losing *de facto* vigor, yielding to the irresistible tendency to unalloyed autocracy. Within six months the qualifications fixed in law, as to membership, period of meeting and functions, had been completely ignored or overridden by Mussolini. Whatever may have been the hopes of some that the legislation of the Council was to be an important contribution to the stability of the regime, it soon became apparent that the body had become a mere registering office, not a broadly representative organ of consultation. The *Duce* receives information from interests individually, makes such determination of issues, such harmony among competing demands; as he individually can. On occasion he summons his

chief lieutenants to a solemn council meeting to impart information of the results at which he has arrived. Such meeting is also utilized for "inspirational" purposes, to impress the staff, the party, and the public at large with the sentiment of their unity in him, their dependence on him.

Party absorbed in state. The party is now absorbed into the state. The dualism between party and state, which was for a long time important, has given place to Fascist "totalitarianism"; in the famous phrase, "everything within the state, nothing outside of or against the state." The state utilizes the Ministry and other administrative bodies for the routine of government. The state, having been captured by the party, having been exalted by the party, now utilizes the party for its apostolate of Fascist faith, educating the youth to the function of participation as Fascists. Party membership is not a privilege but a duty. The party is not a closed caste, since it annually receives a class of prepared graduates from the Fascist youth organizations. It is a civil militia, solely responsible for Fascist civic education; otherwise it would have lost its reason for being, in a totalitarian state. Both state administration and party apostolate are now unified in one man, supreme state governor and party leader. Grand Council and Ministry (not to mention Parliament or king or voters or even economic interests) are in a position not of mutual limitation or check-and-balance—they are the limbs and organs of the autocracy. Framed on lines that require a Nietzschean Superman, the Fascist constitution founds Italy's economic and spiritual destiny, within herself and as an element in the delicate balance of European forces, on a pathetically narrow base—the intelligence and public virtue and life of a single human being.

PARLIAMENT

A few words must be given to the institutions of Parliament, though it is understood that their powers are now in abeyance. They are a part of the modern tradition, and the passing of Mussolini might again bring them back to the dominance they once enjoyed.

The Senate. Under the constitution of 1848 the Senate, as its name suggests, is a body of "elder statesmen"; they must be

forty years of age. But there is in modern Italy none of the dominance of position which that name signified in the constitution of ancient Rome. It is merely the "upper" house, that is permitted to advise upon and revise the work of the real legislature, the Chamber of Deputies. There are dukes and counts, but their nobility gives no membership in the Senate. As provided in the *Statuto*, the king, on the advice of his prime minister, appoints from a large number (21) of categories; mostly ex-servants of the state, but with one class consisting of persons who pay 3000 lire direct taxes. The Senate itself judges whether an appointee falls within the category suggested, and has from time to time rejected candidates. Practically never, however, is a person appointed—and accepted—as of the 20th category, i.e., of "eminent merit"! The incumbents retain the dignity for life, but do not pass it on to descendants.

Appointment. The number is unlimited, and reaches about five hundred; the high age occasions frequent deaths. A premier will frequently raise suitable persons to this peerage; perhaps three dozen a year. In the pre-Mussolinian days if a premier were sharply opposed on a bill he might even thrust into the oven a whole "batch" (*informata*) of new appointees for the explicit purpose of overcoming a hostile majority. In England this has not been actually done (only threatened in 1832 and 1911) in the past two and a quarter centuries. In Italy the power was not only potential but active.

In social composition there is more similarity to the French Senate than to the English House of Lords. There is no great mass of large landed proprietors. The great bulk are veterans of governmental service in legislature, courts and especially administration. There are some lawyers, professors, bankers, industrialists, agriculturists. Membership is an honorary distinction for men who have lived their active life.

Members influential, not Senate. In its collective action the Senate was never greatly influential. Public opinion did not assist or combat, but rather ignored the Senate. Yet when Mussolini arrived in power, he paid it the back-handed compliment of bringing to its debate his most significant pronouncements, by way of disparaging the formerly dominant Chamber

of Deputies. As his regime went on developing and the press and platform ceased to be authoritative instruments of public criticism of government, the Senate became the one remaining forum for such expression of critical opinion. The climax came in the spring of 1928, when the bill for "fascistizing" the Chamber of Deputies was up for passage. The Chamber had already been reduced to a nearly hundred per cent Fascist membership; hence criticism of the proposal was there out of the question. In the Senate however there was vigorous opposition, and forty-three actually went on record against Mussolini's bill. But the great number of Mussolini's own appointments to the Senate, together with its old tradition of mildness in opposition, made this negative vote a mere gesture. No one supposed that the Senate could prevent or really alter the legislation demanded by the premier. Here alone could one speak against the regime, but speaking and casting a protest vote was all one could do; and even that has practically ceased.

Proposals for mending. It was long a matter of serious consideration whether the Senate should be "mended or ended." Radicals in the democratic days were opposed to reform, preferring that the Senate be not strengthened, but end in oblivion and insignificance. The Socialists (and Mussolini in 1919) were for abolition of the body. The Senate itself, like certain English Tory statesmen in their view of the House of Lords, debated at various times (1910, 1919, and 1920) certain ingenious proposals for including the elective principle. They would also ensure the representation of certain additional functions in the social body, such as finance, scholarship, and labor. But none of these proposals was brought to fruition. Its composition is a compromise of (1) the fact-finding expert agency, (2) the spokesman of veteran technical servants, (3) the functional rather than political representation of the nation. Its discussions have intrinsic value, but are academic and irresponsible.

The president. The presiding officer of the Senate is appointed by the king. There was formerly a tendency for the royal appointment to go to the person whom the Senate itself had nominated by secret ballot. But there could be no doubt

that the appointment of Federzoni in 1929 was under no other influence than that of Mussolini himself.

Degeneration of Chamber of Deputies. In the Italy designed by Cavour and the "founding fathers" of the Resurrection period, the Chamber of Deputies was to be the mainspring of the whole governmental mechanism. The king's ministers were, as in England, the group of administrators and political advisers whom the prime minister had selected as most satisfactory to the Chamber. But with the passage of the years the ideal of Cavour had faded, the "politician" class appeared to be less statesmanlike than might be desired, D'Annunzio the poet could win applause by referring to Parliament as "the great beast." There were men of democratic faith who labored for the future, but there was widespread dissatisfaction with the composition and functioning of the body, and long before the arrival of Mussolini the name *parlamentarismo* had acquired a connotation mostly of reproach.

In Cavour's Chamber of 1848 there were 204 members. As Piedmont grew to become Italy, in 1859, 1866, and 1870, the Chamber was enlarged, and became 535 as the result of the further "redemptions" in 1919. The deputy's nominal term was five years, but dissolution might take place at the discretion of the premier and three years was the actual average of a Chamber's duration. There was no requirement that a candidate be a resident of the constituency, but this became the general custom. In fact the deputy was regarded by his constituents as their agent, sent to Rome to secure administrative favors for the local community from the national treasury, as well as play the patronage game and run errands, to keep his political fences intact.

Franchise. The parliamentary franchise was at first restricted by property and tax qualifications which kept the number of voters very small. In 1882 literacy was offered as an alternative qualification; this suddenly enlarged the electorate from 600,000 to 2,000,000. With education and the natural increase in population the number grew to about 3,750,000 in 1911. In 1912 came the sudden grant of suffrage even to illiterates after they had attained the age of thirty, and in 1919 to all male citizens

of twenty-one, or even less if the individual had rendered military service. (Female suffrage has never been seriously considered.) But this enlargement of the electorate has not been the answer to a strong popular demand, like the movement for "parliamentary reform" in England. One might almost say that parliamentary politicians had for their own purposes imposed a franchise upon millions who not only did not ask the privilege but refused to regard it as a duty. Of the voting body of about twelve millions an ominous proportion regularly abstained from voting—some 48 per cent in 1919.

Influences upon voting. Secrecy of voting was designed by the envelope system, adopted in 1913, but freedom from undue influence was hardly yet achieved. Government candidates enjoyed an undoubted advantage, for they were supported by the prestige of the prefect, under direction of the minister of the interior, who "made the elections" by his threats or promises. There was a sinister influence in some regions, the direct action of bands of armed men, the auspices varying from Socialist to Giolittian and Fascist, according to the occasion and the locality. There was also the insidious, far-reaching social pressure exerted, especially in the south, by secret societies such as the Camorra of Naples and Mafia of Sicily, each a closed community for mutual assistance and protection, a state within the state, at times seeming more masterful than the state over the loyalties and consciences of men.

Single-member vs. general-ticket districts. Regarding the vexed question of single-member versus collective or general-ticket districts, Italy had a varied experience. From 1848 to 1882 the system was the familiar one of single-member districts. Then for nine years the "general ticket" system was tried, with somewhat larger districts electing at large. Some advantage was secured to minorities by the limitation of the voter to four votes in a constituency electing five members. There was little satisfaction with the change, however, and the single-member system was restored in 1891. In the twentieth century came the world-wide interest in proportional representation, reinforcing the continued desire to escape from the excessive localism (*campanilismo*, referring to the church-tower, corresponding in this con-

nection to our town-pump) that seems inseparable from the single-member district system. In 1919 the government of the day yielded to the insistent demand of the Catholic and Socialist parties (with the general agreement of most other parties), and enacted a proportional system. It provided for 34 districts, each to elect a list of deputies averaging 15. A striking result was the immense increase of deputies from the well-disciplined parties, especially the Socialists, who leaped from a few dozen to 156 members in 1919, and the *Popolari* who elected 100 in this, their very first campaign. In the election of 1921 these two parties maintained their position and bade fair to maintain it permanently.

Acerbo system of 1923. A fourth phase of Italy's progress in the evolution of electoral system was the scheme framed by Acerbo, Mussolini's right-hand man, and jammed through Parliament in 1923 by threats of force. (1) Fifteen familiar regions, such as Lombardy and Sicily, were taken as the districts in which candidate lists might be nominated by the parties. The average number to be elected from a district was 36. (2) The party which should poll the largest popular vote in the nation as a whole (if not less than 25 per cent) should win *two-thirds* of the seats, which of course carried with it the premiership and irresistible power. (3) This party, victorious in the nation at large, would thus elect two-thirds of the members from each region, though in some regions its vote might have been far less than those of rival parties. (4) The remaining one-third of the seats were to be distributed to the other parties according to the rules of proportional representation.

Plurality wins two-thirds. This Fascist scheme was avowedly designed to establish an effective Chamber majority (however disproportionate) for the Fascist party, which no one doubted would win a plurality in the nation at large: that is, would be at least a little stronger than any other single party. There was to be an end of the traditional parliamentary situation, in which all parties were minorities and every Cabinet was insecure, the creature of minorities temporarily patched together but mainly engaged in outbidding and thwarting each other. In the actual operation of this scheme at the one election in which

it was used (April 6, 1924) there was only one serious contender for the glittering prize of a two-thirds majority. This was the so-called *listone* ("great list") of Mussolini's followers and collaborators. The list of names was selected by a committee of Fascists and revised by Mussolini himself. Out of 357 chosen, some 225 were enrolled members of the Fascist party, mostly youthful war veterans. A very few outstanding literary and non-political figures were added to indicate that the nation's intellectual forces were being mobilized on the right side. About 10 Catholics, 25 Democrats, and 45 Liberals were included in the *Listone*, as individuals of competence who though non-Fascists were willing to collaborate "on the flanks" under Mussolini's supreme command. In this category were included some men of high importance, such as the ex-premiers Salandra and Orlando.

In the election of 1924 there was a total vote of over seven and a half million, a 63 per cent participation. But there was much violence, one Socialist candidate being assassinated; anti-Fascist meetings and even candidacies were subjected to partisan hindrance by administrative authorities. Matteotti, the Socialist leader (assassinated shortly afterwards), stood in his place in the Chamber May 30 to indict the whole victorious *Listone*, as disentitled to their seats by the force and fraud which was notorious in general, and which he was preparing to specify when tragically interrupted. The result was the withdrawal of non-Fascist collaboration, and the beginning of Fascist "totalitarianism."

"Totalitarian" system, 1928. The fifth phase of electoral system appears in a scheme for constituting the Chamber, that was agreed on in the Fascist Grand Council in November, 1927, and passed as matter of form by the Chamber and Senate the following year. It is still in force and was operated for elections in 1929 and 1934, but Mussolini has given strong hints that *any* elective Chamber is now needless, that he will substitute a "corporate" chamber. To the passage of the Act in 1928 there was vigorous opposition in the Senate, voiced by some of that body's most distinguished figures, Albertini (editor of the world-famous

Corriere della Sera of Milan) urging that it would be more logical to abolish Parliament altogether than to maintain Parliament with a pretense of election when there was no liberty of press, public meeting, or association.

Nomination by social and economic groups. Under the Act, the new Chamber was to consist of a list of 400 persons, made up by a three-fold process, of suggestion, designation and acquiescent approval. One thousand persons should be suggested, 800 by the 13 national confederations of Fascist trade-unions and business-men's syndicates, 200 by certain "moral bodies" and associations "of national importance and pursuing cultural, educational, and charitable aims" (Article 4). The proportions among the economic producer classes were fixed in the law as shown in the table:

<i>National Confederations</i>				
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>
	<i>Masters Men Suggested</i>			<i>Selected</i>
Agricultural Employers	200		96	46
Agricultural Workers		550	96	27
Industrial Employers	500	..	80	31
Industrial Workers	6000	80	26
Commercial Employers	113	.	48	16
Commercial Workers		1000	48	10
Maritime-Air Transport Em- ployers	50	..	40	10
Maritime-Air Transport Workers . .		100	40	11
Land Transport Employers	21	..	32	12
Land Transport Workers		700	32	9
Banking Employers	50	24	10
Banking Workers		100	24	6
Artists and Professionals		250	160	82
	<hr/>		<hr/>	
	9634		800	196

The two columns (1 and 2) at the left indicate approximately the number of persons who would participate in the nominations by reason of membership in the general councils of the Confederations. The personnel of these bodies was absolutely

dependent on Mussolini; they met in Rome and acted by plurality.

The "moral bodies" were to suggest 200 names. A considerable share was allotted to categories of persons not allowed to unionize themselves, such as railroad, postal, and telegraph servants, professors, teachers; and to the personnel of certain industries dependent on the state. Seventy-five were allotted to the war veterans' associations. The remainder were to stand for certain ideal values in the state: the Academies, Institutes of fine arts and culture; the "Dante Alighieri," a society long famous for its propaganda of irredentism; also certain ideas that are embodied in semi-public associations under Fascist auspices, such as foster the navy, the colonies, coöperation, savings, corporate capital, reclamation of agricultural land, home travel, athletics, and the *Dopolavoro* (labor improving its leisure).

Designation by Grand Council. Out of these thousand nominees the Grand Council of the Fascist party was given the function of selecting the four hundred persons who were to be designated Deputies. The Council was not at all limited, however, as to the proportions to be observed among classes in the four hundred designations, and it came to light that the employer class fared far better than the employees.

Franchise. The franchise, as well as the distribution of representatives, was substantially changed by the Fascist law of 1928. The right to vote is possessed by male Italian citizens of twenty-one years (and of eighteen years, if married and having children), on condition that they satisfy one of the following qualifications: (1) dues-paying membership of a Fascist trade-union or syndicate; (2) payment of 100 lire direct tax or receipt of an income of 500 lire from government bonds; (3) receipt of an official salary from the state or its local agencies; (4) membership in the clergy of an admitted religion. The function of the voter is not the selection of representatives: that is done by the higher powers. There is but one constituency, the nation at large. There is but one opportunity for the voters' expression—to vote Yes or No on the question "Do you favor the list of Deputies nominated by the Grand National Council of Fascism?" It is to all intents and purposes a plebiscite on the acceptability

of the Mussolini regime, as compared with any available alternative. In the well-known conditions of the press and platform, both elections, of 1929 and 1934, have been devoid of any real character as an expression of popular opinion.

Results in 1929. The numerical result in 1929 (and much the same was true in 1934) was favorable to the regime in terms that were so large and emphatic as to be embarrassing, if Mussolini desired the world to accept this as a genuine expression of popular will.

Registration	9,673,049				
Voted Yes	8,519,559	or	98.34	per cent	
Voted No	135,761	"	1.56	"	"
Null	8,092	"	.1	"	"

In the northern metropolis of Milan there was a No vote of about 23,000, or $6\frac{2}{3}$ per cent; but substantially the national vote was a unanimous Yes—in two provinces literally unanimous. In the twenty-two provinces of the South and the islands, the vote was 1,961,379 to 2,331. This is a Fascist preponderance of .99882, which is ominously similar to Napoleon's .99766 in 1802, when he asked the voters of France—Would they have him as First Consul for Life? or What would they do otherwise? It was a successful demonstration, not of opinion, but of discipline and submissiveness. The individual dared not risk his job by abstaining from voting, and feared the renewal of Fascist violence if the No vote were large.

Chamber's function. Obviously the function of the Chamber is now altered beyond all recognition. The legislative will of the regime is registered in the Grand Council of the Fascist party and in the Ministry, both being the expression of Mussolini's uncontrolled will. The Chamber may give a technical retouching to the bills drafted in the Grand Council and Ministry; it may "control" the bureaucracy, in the European sense of that ambiguous word; that is, it may receive information by way of supervision or review of what has been done, which review may be of significance in the passing of financial estimates for the future. It is not a true representative body that can serve as the spokesman of the nation, or even of its clashing economic

or other interests. It comprises merely the widely various nominees of the unified nation's Spokesman.

The president. There can be little interest in the procedure of such a Chamber, but we note a few features of its former method of operating. The president was a political officer, his election the first occasion for trying political strength in the new Chamber. Gradually it became rather a technical office, somewhat like that of the English speaker, to which one was reëlected repeatedly, regardless of party.

Committees. Representative bodies of considerable size always require committees, for economy of time, and to facilitate legislative action. For over half a century the Italian Chamber followed neither the English nor the American system but rather the French, dividing itself by lot into ninths (called *ufficii*). These bodies, changing every two months, practically exhausted their powers in selecting committeemen to study and report upon projects of law. The committees, thus depending indirectly upon the lot, failed to represent the political make-up of the Chamber, and constituted a permanent possibility of obstruction to Cabinet leadership. They could not have the expertness and continuity of policy which the American student associates with committees of House and Senate.

Committees proportioned to parties, 1920. In 1920 a complete change was made in the rules, adopted with a view of accomplishing the great purpose of taking account of the party composition of the Chamber. Nine committees were constituted, each to deal with a whole category of matters that were constantly likely to arise and demand consideration. Roughly they corresponded to the executive departments which were in daily contact with the administrative problems that call for legislation. With regard to these nine standing committees, there was an obvious likeness in general design to the American scheme. Even more suggestive was the 1920 plan of securing proportional party character; but there was the striking difference that, instead of having one party to control and act, and another party to criticize and ineffectively obstruct, the Italian Chamber had numerous parties, no one of them normally in a position to control, and all more or less tempted to obstruct irresponsibly. Mem-

berships on these committees were precisely proportioned to party strength. The old name *ufficii* was retained; but instead of being chance-formed ninth changing every two months, the *ufficii* were now the party groups.

Inter-party conferences. In this new system the sole function of the *ufficii* was supposed to be their election (by secret vote) of their members to these committees; but being nothing more or less than party groups, they could as caucuses control their respective committeemen. Committee policy was in reality determined as a resultant of party wills. A committee on any matter became an inter-party conference organ, to which ministers must defer as the authoritative representation of the party attitudes. The tendency was inevitably away from action by the Chamber as a whole under Cabinet guidance, and toward a preponderance of inter-party combinations, which enhanced the influence of group leaders.

In Parliament's most important function, the solution of a Cabinet crisis, the result of the new system was seen in February, 1922, when it took three weeks to provide a successor to the Bonomi Cabinet—three weeks of intimate, intricate conference among group leaders, making and re-making compromise agreements regarding the personnel of the Cabinet-to-be. The leading figures in these combinations were not the parliamentary leaders as such, but the masters of party organizations in the country; and one of the most active and influential of them all, Don Sturzo of the *Popolari*, was not even a member of Parliament. Both Ministry and Chamber were becoming forms, manipulated by party managers, whose activity was not exactly behind the scenes, but on the stage of another theater, extra-parliamentary. State authority was decaying in the face of Fascist-Socialist civil war. The premier was prisoner of the party managers. No one was responsible for action, but each party, thwarting the others, was mighty to prevent action.

Party system tended toward parliamentary breakdown. This situation may be regarded as a contributing cause of the Fascists' seizure of power, they being contemptuous of the whole idea of government conducted by or on the advice of parties. That keen critic Ambrosini might enjoy the gloomy satisfaction

of prophecy confirmed; after a review of the long ministerial crisis of February, 1922, and its intimate connection with the new party-committee system of the Chamber, he says: "If the political class does not improve, if there be not reestablished the reign of honesty and duty, competence and responsibility, the democratic parliamentary regime, which is now passing through a profound crisis, runs the risk of disappearing and being supplanted by dictatorship or government of trade unions." This was written in the summer of 1922, hardly three months before Mussolini's March on Rome!

ADMINISTRATION

Mussolini as Duce. Administration in an autocracy is simple, and there is little required in the way of description. One will alone is concerned, and that is at the center, with no need to have regard for autonomy, whether of localities or of other interests than those of the nation. Mussolini has apparently inexhaustible energy, and the Fascist party provides him with multifarious counselors, who make no pretense to independent authority, but are solely concerned to provide him, each with his own contribution to what shall eventuate as the apparent omniscience and omnipotence of the *Duce*.

Hierarchy. The several departments, foreign affairs, public works, education, etc., had long been organized and conducted on the Napoleonic model. Hierarchy did not need to be introduced: it was already there; it has simply been fascistized, combed clean of the otherwise-minded, a combing process which even included the judiciary and the university and inferior educational forces. Men rise from bottom to top on their service records, and even the highest posts are emptied and filled at the nod of the supreme head—a military process known as the "changing of the guard." Mussolini himself has held, at one time or another, all of the important portfolios, and has often cumulated offices on his own person. A glutton for responsibility, he has always been ready to take to himself whatever ministerial office seems for the time to be most difficult. On one occasion (1929) he was minister of eight different departments. He divested himself of most of these offices, promoting to the ministerial position the men who

had been his vice-ministers. But, whether he is or is not minister of a particular department, the conduct of its affairs is well known to be upon his responsibility alone.

Decree-laws. Legislation had long been in the form of "decree-laws," in considerable measure even when there was a Parliament to make and unmake ministries. This habit is of course continued and intensified, now that the head of the government is by law (1925) endowed with the sole responsibility for the initiative of laws. The amount of law-making has been very considerable since the introduction of certain novel ideas by the Fascist regime. The usual process is in the following sequence: a proposal of law is determined upon, in principle and large outline, by the Fascist Grand Council, where, as we have seen, Mussolini's will is absolute; the proper ministerial department, with the advice of civil servants, frames the necessary law as a decree and publishes it; in some cases there is a statute giving final authorization, which is introduced by Mussolini or his appropriate lieutenant into the Chamber of Deputies and Senate. Whatever debate it may there receive can have little effect except as Mussolini may have been persuaded to accept voluntarily certain improvements in detail.

Command, not persuasion. So centralized and unified an administration has the familiar military advantage of certainty and speed; one need not persuade those whom one commands. Nor is there the annoyance of having to make disagreeable compromises in order to win necessary votes. Needless to say, however, there is the compensating disadvantage that the freedom from necessity to explain rationally the government's proposals narrows the base of probable popular consent, and makes heavy demands on the one great military virtue of obedience. Grave risks are run that objections which cannot be voiced are turned silently underground, to acquire explosive force.

Judiciary. The judiciary, for reasons of space, will not be described. Interpretation and application of law has been conducted, since the days of Cavour, on the French plan, as to tribunals and their distribution and jurisdiction. But it had never been as independently strong as the French judiciary, and the Fascists have been thorough-going in their resolute dealing with

anything that could have stood in the way of their revolution's progress. Absolutely no independence remains in the Italian judges. They have been completely fascistized, reduced to administrative subordination, incapable of exercising any restraint upon the new regime.

Local government. Local government is another field in which Italy had imitated nineteenth century France. There were four areas into which the country was systematically divided, every square inch of territory finding itself in some one province, *mandamento*, *circondario*, and commune. The second and third areas were of little importance and need not be described, being mere territorial sub-divisions for the convenience of the provincial authorities. Province and commune,¹ however, had been areas of local self-government, with elected councils, and important traditions of autonomy. This has been completely eradicated, and Fascist local administration rests absolutely upon a *prefect* in the province, and a *podestà*² in the commune, each of whom is a little Mussolini in his respective sphere. It must be distinctly understood, however, that the miniature Mussolini is merely a local agent of the will of the One at Rome. "Electionism" is so thoroughly reprobated in the Fascist regime that there are no elected councils whatever, and appointment from the center applies not only to prefect and *podestà* but to their advisers and assistants as well.

Prefect. It has become the custom for Mussolini to call the prefects fairly often for conference in Rome, as a Norman-Angevin king of England might call in his twelfth century sheriffs to Westminster, to report on conditions, political and

¹ The provinces are 92 in number, with an average area of 36 by 36 miles, and an average population of over 400,000. The communes are some 9000 in number; 90% are hamlets or small towns, but the twelve largest contain some six million inhabitants.

² The head of the commune had formerly been the *sindaco*, elected by the elective council. Many of these, including great cities like Milan, were Socialist, and it was one of the first interests of the Fascist "squads" in 1920-22 to drive them out. The central government sent special commissioners for temporary administration. In 1926 the change was made permanent and was signified by the change of name. *Podestà* was historically (twelfth to fifteenth centuries) the outsider called in to exercise municipal authority free from the paralyzing factiousness of local politics.

administrative, and receive direction for their future conduct, unified and systematic. Similarly the prefect is expected to deal with the *podestà* of his hundred or more communes.

Rome. As in Washington, London, and Paris, the government of the capital city has a special treatment. Here was a city absolutely unique in point of historical interest, once the world metropolis imperially, and later ecclesiastically; yet in modern Italy she was by no means the nation's cultural capital. Politically she was long dominated by genuine democrats, of whom the most famous was Nathan, the Jewish *sindaco*. But considering the nationalizing purpose of the Fascists, and the revival (since D'Annunzio's teaching) of classic tradition, it is not surprising that we find, in the last half decade, an effort to remake imperial Rome, architecturally and governmentally.

Upon their assumption of power in 1922 the Fascists placed the government of Rome, as of most other important cities, in the hands of a nationally appointed royal commissioner, to administer affairs without popular or "demagogic" control, during the period of crisis and restoration. This was temporary. At the end of 1925 a new system was decreed by the Ministry, of a sort which is essentially similar to that which centers all power in the *podestà* in the commune, the prefect in the province, the premier in the nation.

Restoration of imperial grandeur. If the nation controls the city—by way of compensation, the nation pays a substantial portion of the bill. Much has been promised *urbi et orbi* of what is designed by Mussolini to be a restoration of ancient glory and the new provision of modern amenity. New quarters have been laid out; sanitation, housing, communications, schools, athletic fields, workers' dwellings have been provided by aid of the public (i.e., national) credit. Sumptuous modern palaces are built to house many of the ministries. Ancient *fora*, markets, theaters are uncovered. Slums or unworthy structures are cleared out, after the manner of Haussmann in the Paris of Napoleon III, in order that great monuments of ancient time—Pantheon, Theater of Marcellus, Augusteum—might be properly provided with space and vista. In short, to quote Mussolini at the installation of the first governor, Rome "is to appear as a

marvel to all the people of the world—vast, ordered and powerful, as it was in the time of the first Empire of Augustus.”

CORPORATIVE STATE

Coöperation of Labor and Capital. The proud boast of fascism is that it is solving the world-wide puzzle of economic organization. In answer to the Marxian prophecy of proletarian dictatorship by Communist revolution, the Fascist proclaims that he has put an end to class conflict. There is to be no sterile, mutually destructive struggle for mastery; the nation is master. All varieties of producers are to be brought into social integration, in orderly fashion are to work side by side in the nation's economic effort. Coöperative production, not competing distribution, is to be the key of this happy synthesis, Fascist Italy's contribution to the comfort and instruction of a distressed and “depressed” world. The state itself without entering into socialistic production or distribution, is to preside over the activity of individuals, safeguarding their enterprising activity as the motive power of the social process, in which they win wages and profits. It is ready to intervene where national safety requires, “socializing losses” by the loan of state credit, assisting or checking private enterprise as its own plan or temporary expediency may suggest. It hopes to secure social justice by authoritatively adjusting productive functions and securing the appropriate distributive rewards that result. The state permits no man and no class to exercise any contract-making or contract-breaking liberty, which might interrupt or hamper the sacred nation's production and distribution. Wages and working conditions must be fixed by collective contracts. Labor may not strike, Enterprise may not lock-out nor even dismiss laborers without the license of the Fascist state; wages and prices are to be controlled by the same all-comprehending power.

Different interpretations of experiment. All the world agrees that an experiment of notable proportions is going on, but there is utter disagreement in the judgments passed by the interpreters, especially in the non-Italian world, where criticism is allowed to be expressed. Foreign employers rub their hands in glee as they see Mussolini “putting labor in its place,” and

they envy Italy her statesman who enhances production by putting labor under severe discipline; they do not realize how far "government in business" may be interfering with the employer's sacred right to run his own business as he may see fit. Foreign labor spokesmen, Socialist such as the Frenchman Jouhaux, and anti-Socialist such as William Green, agree in denouncing what they regard as oppression, deprivation of precious conquests that had long ago been won for industrial justice—slavery which seems the more grievous because imposed by a former champion. Mussolini has turned traitor, they say, and has known how to browbeat and hoodwink labor into fashioning and snapping the handcuffs on its own wrists. The theory and scheme is there, but manifestly the Fascists do not give us the means of judging how much is solid structure, how much is papier-mâché façade; how much is voluntary purpose, how much is opportunist adaptation, which is merely incidental to the Fascist leader's national unification under his own power. Italian official reports are passionately enthusiastic, smugly self-confident of superiority. Exiles' adverse judgments are—to be discounted for the exile-complex. Objective observers, with some opportunity for real study, are for the most part strongly adverse in their judgment.

Corporazioni. The essential idea is suggested by the name "corporative state." All elements of the nation's productive force are supposed to be regarded as members of *one body* and its various components combined into subordinate bodies or organs called *corporazioni*. These bodies are not to be confused with our familiar corporations, but are rather to be compared with producers' guilds, combining all the employers and employees of a given category, such for example as the building trades or the cereal producers.

Trade-unions. All the world is familiar with spontaneous aggregations of producers for self-defense and self-advancement, whether associations of capitalists or trade-unions of laborers. Syndicates (*sindacati*) is the Italian name for them both; hence the word "syndicalism" denotes not the Sorel type of anti-state Socialism but simple unionism. Syndicates sprang into existence as fighting agencies in the labor struggle. But according to Fas-

cist theory they are to be tamed, coördinated, systematized, for the service not of labor or of capital, but of the nation. There must be no class struggle; whether of labor *vs.* capital in any one economic unit, or of one economic function, with its labor and capital combined, against another function (agriculture *vs.* manufacturing, for example), or of the producers as a whole *vs.* a whole society composed of consumers. The great economic struggle is to be waged by Italy as a whole *vs.* a harsh nature and a world of competing nations. The "liberal" economics of laissez-faire social freedom is abandoned as an outworn fetish, anarchic in its effect. The keynote is state control, planning, assisting, fixing rates, and compelling compliance. Mussolini becomes minister of the department having labor and economic relations in charge. This is to signify the intensity of the nation's interest in the matter. Mussolini's defense of internal industrial peace is held to be as important as his conduct of the nation's foreign affairs and of the ministries of defense.

Fascist control. The "syndicates," to summarize bluntly a long, complex story, have been brought completely under Fascist control. The former trade-unions freely formed under Socialist and Catholic auspices have been practically banned. Another set of unions has taken their place, under Fascist auspices. The government appoints the officers of the Fascist syndicates, and their membership is made dependent on possession of "good" character from the national (Fascist) point of view. Their members enjoy notable privileges, such as the travel and recreation provided by the famous *Dopolavoro* ("after-work"; Labor enjoying Leisure), and special advantage in the preference accorded Fascists by the placement bureaus when jobs are to be assigned.

Federations. These local syndicates, both of employers and employees, are the primary units of the system. They are combined in federations, first of provincial and then of national scope. The result is a series of four national federations of employees in industry, agriculture, commerce, and credit and insurance; and for the employers likewise a series of national federations in the same four broad fields. In addition there is a national federation of syndicates for persons in "free activities,"

the arts and professions; who are obviously intellectuals, neither employers nor employees, but are among the most important elements of the nation's life, their leadership (if it can be captivated and brought under discipline) to be utilized in the process of inspiring all social activity with the "corporate spirit."

Category corporations. We have mentioned the *sindacato* and its federations, and the *corporazione*. What is their relation to each other? During at least eight years (1926-1934) there was a long series of experiments in organization, even the word corporation undergoing considerable changes in meaning. But in November of 1934 Mussolini inaugurated a scheme which may be briefly described, though even he said, "We are still at the starting point, not the point of arrival." There are twenty-two "category corporations." The very list of names will suggest, by its fragmentary and non-symmetrical character, how difficult it is, even under strong government pressure, to reduce economic life to a comprehensive scheme, with satisfactory inter-relations among incommensurable parts.

- * Animal Husbandry and Fisheries
- * Beets and Sugar
- * Cereals
- * Vegetables, Fruits and Flowers
- * Vine-growing and Wine
- * Edible Oils
- * Forestry, Lumber and Wood
- Metals and Metallurgical Engineering
- * Textile Fibers and Products
- * Chemical Industries
- Building Trades
- * Clothing
- * Paper and Publishing
- * Glass and Pottery
- * Mining and Quarrying
- Inland Communications
- * Sea and Air Transport
- Water, Gas and Electricity
- * Credit and Insurance

* Public Entertainments (Theater, Cinema)
Public Hospitality (Hotels, Restaurants)
Arts and Professions

N.B. Those with an asterisk had held their initial corporation meeting by February, 1936. The important omissions, signifying delay in organization, are significant.

A *corporazione* is, in contrast with a federation, a vertical combination. It comprises all the Fascist-organized persons concerned in one cycle of production, from raw materials to the finished product. The rules it lays down are made binding by law on all the persons in that category, though the non-Fascists may be far more numerous; and the latter are required to pay union dues, which the government collects and devotes in part to the support of the corporations and their immense bureaucratic machine. The *corporazioni* have each a council, whose members are suggested by the affiliated associations and appointed by the corporations minister (Mussolini). Their work of liaison between employer and employee groups is facilitated or controlled by the presence in the Council of technical experts and representatives of the Fascist party.

Council of Corporations. To unite these corporations and give legal validity to their collective labor contracts there is a National Council of Corporations, created by a law of March 30, 1930, though it must be admitted that at that date there were not yet any actual corporations to unite. This National Council is a body which has existed since 1926, sometimes as a merely advisory body under the minister of corporations, sometimes yielding primacy (because of excessive size) to its own Central Committee, sometimes advertised to the world as the body destined completely to supplant the Parliament. The National Council, like the individual councils it is supposed to represent, has employer and employee members, appointed by Mussolini; but also contains technical experts, Cabinet members, and many high party officials. It is presided over by the head of the government. It may give opinion on all questions pertaining to production, the coördination of the multitudinous factors represented, and the application of the principles of the Charter of

Labor. This is a document which was issued early in 1927, and has aroused wide interest as fascism's profession of faith, a pledge of ideals in Labor's behalf. Mussolini summed it up in a speech (October, 1934) as "secure work, a fair salary, a decent home." The implementing of this promise is for the future.

Economic liberalism buried. (The experts seem to agree that the workers' real wages, by tradition appallingly low, have seriously declined during the "corporative" period; that is, fascism has been no more able than democracy to find the magic to cope with economic depression. Strikes have undoubtedly ceased, though the cause may more probably be found in Fascist party domination and police suppression than in "corporate spirit." Economic liberalism has been "buried," as Mussolini boasted. There is much ground for believing that the chief importance of the corporative scheme has been that, while actually a strait jacket, it gave an appearance of participation by labor and capital in the Fascist leader's struggle to secure national unification and advancement under his autocracy.) Industrial labor is perhaps bound to its machine as agricultural labor was formerly bound to the soil. But one is told, in compensation, that there is One Above who is watching (in the Premier's palace): He is guarding Labor against exploitation by the anarchic greed of employers. If Italy is without natural resources and that means drawing in the belt still tighter when the world at large is "depressed," that misfortune is regarded as no fault of the *Duce*: perhaps he by concentration of authority can find the solution (evidently no one else has) and may be helped by unions and corporations and councils to achieve that solution. Perhaps under his lead a better economic chance can be won in Africa. At any rate the country is at war—for a few months with Ethiopia, perhaps with "sanctions" Powers, always with poverty—and in war one can only say "*pazienza*," and shrug one's shoulders.

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CHAPTER VI

GERMANY

INTRODUCTION

Difficulty of study. The German political situation is obscure in an almost unique degree. Here is a nation whose statehood is relatively in its infancy. This young state has been called into being for the service (or domination) of a people that is one of the world's leaders in point of spiritual culture; yet they have been called singularly "unpolitical" by their own accredited statesmen. Foreign observers are shocked by some of the deeds of these statesmen, such as Bismarck's manipulation of the Prussian king's famous "Ems telegram" in order to ensure war by all Germany against France in 1870, or Hitler's anti-Jewish pogrom of 1933, even if our study of history has set us free from the legends on which many were brought up, that German manufactures were "cheap and nasty," and that the Kaiser in 1914 set brazenly out to conquer the world. And yet, to the scholar who has read for his doctor's degree in Göttingen or Leipzig or relies on the precious fruits of German scholarship, to the lover of Wagner operas, to the traveler who has studied the world's art treasures in a Dresden or Munich museum—Germany is of the utmost importance, and her political situation requires to be sympathetically studied, without fear or favor for the purpose of understanding.

Successive phases. The German polity, it goes without saying, is in a state of transition, is anything but static. We have constantly to bear in mind for comparison that the same area and population has appeared within our own life-time in three different Germanys: (1) the Hohenzollern Empire, with which much of the world was at war; (2) the Weimar Republic, 1919-1933; and (3) the "Third Reich" of the Nazi regime, dating from February, 1933. Each of these political systems was consciously and proudly designed to be in complete contrast with

its predecessor. Yet all three were all-inclusive schemes of German sovereignty. The observer thinks of each of these three systems as the German government. Reflecting upon the power of historic tradition in other countries, he supposes that there must be a large measure of continuity and identity among the three regimes, which, within the short space of twenty years, stood forth to the world as the sovereign political organization of a single people.

Pressures, external and internal. As in the revolutionary periods of 1789-1805 in France, and of 1917-1924 in Russia, these notable political changes which Germany has undergone were largely influenced by external pressures—in the present instance forced by disarmament, temporary invasion (1923), and demands for the reparation of war damages. Yet the chief motive forces in these political transitions have been internal: whether economic, the civil strife incident to an effort to refashion the social structure and compel the Haves to share with the Have-nots; or more purely political, an experimentation with new governmental devices for social control, the sudden displacement of aristocracy and enthronement of a popular mass voting for Parliament, or later the establishment of a *Führer*, free to act by decree, according to his own uncontrolled vision.

Continuous factors. Less strikingly interesting, but in the long run fundamentally important, are the political factors which go on operating under all regimes, heavily discounting the effect of every superficial change, providing ballast to steady the ship of state or prevent it from being completely thrown off the course. An example of these factors, which cannot be analyzed here, is the economic variety, the fundamental contrast between semi-feudal, agricultural east and industrial west. Others are the psychologic qualities of the people (e.g., doctrinaire divisiveness), certain deep-seated popular traditions, such as that of expertness and conscience in civil service, and the habit of submissive obedience to whatever bears the appearance of authority. These long-run traits, however, may not only condition the operation of constitutional designs; they may themselves be altered for good or ill, by such cataclysmic changes as are now taking place.

HOHENZOLLERN REGIME

We begin with a description of "Hohenzollern and War Germany." Such an epithet is manifestly inaccurate; it is only suggestive of a concept which has largely occupied the political thinking of the world since 1914. For some reasons it might better be called "Bismarckian Germany," except for the fact that the Iron Chancellor was actually dismissed in 1890. There are good reasons to suppose, indeed, that a continuance of the influence of Bismarck himself, unimpaired, would have made strongly for Europe's peace rather than for the World War.

Feudal survivals. But again, to understand Bismarckian Germany, we must go back to the situation prior to his appointment as chief minister of Prussia in 1862. Ever since the Middle Ages feudal institutions and modes of life had dominated large portions of Germany, with a persistence which continued long after England had by parliamentary methods outgrown and discarded feudalism, and France by her Revolution had uprooted and destroyed it. One result was that Germany in 1862 was still divided into a great number of practically independent units, each of which looked to a local dynasty as its head. Some were called kingdoms, some duchies; and there were various other names. These monarchies monopolized the concept of statehood, with no more political regard left over for *Germany* as such than Frenchmen, Italians, and the rest now leave for the concept of *Europe*. Men did not regard themselves as Germans but rather as Prussians, Bavarians, Saxons, etc.

The Holy Roman Empire. The Holy Roman Empire (1273-1806) had, since the late Middle Ages, been a vague, comprehensive concept, extending over all of what is now Germany, and including millions of Hungarians, Bohemians, Poles, and South Slavs, and Italians as well, all under the Hapsburg family, with its ancient seat in Vienna. Men's minds were accustomed to a hazy idea of European union, that was reminiscent of the world dominion of Rome. The term Holy signified an intimate connection with the Catholic Church. The term Roman reminded men that for centuries the elected head of the German nation must follow the example of Karl der Grosse (800 A. D.) and go to

Rome to be crowned. This symbolism, taken together with the Pan-European concept of the Crusades for winning back the Holy Land from the infidels, and later the Baltic lands from the heathen Slavs, may suggest how much of political energy originating in mid-Europe had been distracted from German concerns and spent upon European or world affairs. Meanwhile a multitude of local units had sprung up within the Empire, each of which drew to its local concerns the political energy which in France and England was early devoted to the creation of a strong national state.

Social classes. There was another way in which feudalism had worked in Germany; it divided society into horizontal strata, each of which was inaccessible to those below. Every man found his place in society, as noble, knight, trader, artisan, and serf—to put it at its simplest. There was little of the “easy come and easy go” of wealth, the interchange between classes, of leadership and of individual opportunity, which tends to weld society into a single social whole. These social classes in Germany were almost rigid enough to suggest a caste system.

Religious divisions. To an unusual degree religion also had divided Germany. Division remains today, with a depth and intensity and persistence such as England had known in the sixteenth and France in the seventeenth centuries, but not since. A century after Luther's revolt from Rome, Germany broke down into the Thirty Years' War (1618-1648), in which religion, or at least adherence to mutually opposed ecclesiastical systems, evoked intense emotion. At the end of this devastating period (1648) a settlement was declared, in the treaties of Westphalia, in terms of deep division rather than of peace. The principle “*cujus regio ejus religio*” meant that a prince might by conviction or caprice adopt for his principality whichever religion he chose and impose it on all his subjects. Many of the northern peoples thus became Protestant, many of the southern Catholic; yet the result of this localism was far from producing a single division into north *versus* south. This divisiveness remained to the mid-nineteenth century, to keep German fragments apart. It persists today.

The Thirty Years' War. But the Thirty Years' War was not only an internal affair. For Europe as a whole its more obvious characteristic was an opportunity for imperialist advance, by foreign intervention (Danish, Swedish, and French) in Germany. She became, like China in the twentieth century, a tempting opportunity for the establishment of spheres of influence. The result was a hideous series of campaigns in which mercenary and foreign armies, allied with bands of Germans fighting on opposite sides, ravaged the land with fire and slaughter, setting back her normal political and social development, as some historians have suggested, by as much as two centuries.

A no less significant result of history was the deep differentiation between the agricultural east and the industrial west—the former impervious, the latter open in the nineteenth century to the influences of the English industrial and French political revolutions.

Napoleon. The era of Napoleon was of striking significance for Germany. In his long struggle with the legitimate monarchs of the continent he made alliances and settlements, whereby her political picture was transformed beyond recognition. Even the greatest of the autonomous principalities were partitioned as the result of his conquest, or brought temporarily under his absolute dictation. Yet in two respects Napoleon benefited her. Dwarf "states" were combined by his irresistible command to form larger units; he found some 300 German "sovereign" units and left thirty-eight. Furthermore in Europe's last great, and finally successful, effort to resist his imperialism, the German *people* found at length a motive and method of coöperating for national action. The year 1813 saw Prussians, Bavarians, Hanoverians, and all the rest, cordially joining forces as "German" patriots, to expel the foreign tyrant.

Metternich. Nevertheless the peace of Europe, established in 1815 after Waterloo, was built, generally speaking, upon the principle of legitimist restoration; 38 German units were recognized as reëstablished. From 1815 to 1848 it was not Napoleon's or any other outsider's policy but Metternich's, which kept them from combining into a single state. Metternich was the minister of Hapsburg Austria. From Vienna for some thirty years

he spun and re-spun the entangling diplomatic webs which forbade constitutional unity. The Holy Roman Empire had been recognized for the anachronism that it was, and definitively brought to an end in 1806; but almost simultaneously the Hapsburg monarch had decreed an "Austrian empire" in its place (1804). This Viennese monarchy, though much preoccupied with non-German (Bohemian, Hungarian, and South Slav) affairs, remained so far as the German-speaking districts were concerned, the leading member of the loose German league which had been set up in 1815 to guarantee the permanence of the restored monarchs. The various peoples of Germany had patriotically united to expel Napoleon in 1813. But the people of Germany were forgotten or rather were purposely excluded from consideration in the system reconstructed in 1815. Metternich abhorred democratic influence. He used all his arts, of alliance, subsidy, and intrigue, to stamp out what he regarded as the twin pests, democracy and nationalism. Hapsburg Austria, with its gigantic body largely made up of non-Germans under the mastery of Viennese soldiers and bureaucrats and of wealthy German landlord families, was in the German league a dog in the manger. By her presence and immense prestige of empire, she could prevent the rise of a German *people* to self-determination.

Experience of 1848. For a Germany desiring constitutional unity and freedom the year 1848 witnessed a great hope—and a crushing disappointment. Revolution, spreading out from Paris under the influence of a popular republican aspiration, brought all Europe under its spell, German kings and grand dukes forsook their thrones; even Metternich took to flight. A constitutional new day seemed to have dawned. Delegates were elected to meet in Frankfort-on-the-Main, the ancient city where the Roman Emperor of the German nation had traditionally received his election. But these delegates were not concerned with empire. They were highly resolved to create the constitution of a self-governing German people, and their excellent work stands on record. But there was little experience of self-government; even apostles of German freedom found the occasion too intoxicating. The delegates entered into time-consuming debates on the minutiae of constitutional grants and limitations of power.

The process of elaborating what was to be a perfect constitution permitted precious weeks to slip by, the Austrian and Prussian state interests asserted themselves, the revolutionary squall passed over, monarchs crept back up the steps of their thrones. An especially significant result, in addition to the renewal of prestige to absolutist monarchs by restoration after revolutionary storm, was that the whole experience of 1848 was falsely interpreted to suggest that Germans were so constituted that their unity could never be attained in conjunction with elaborately defined legal liberty; perhaps was not compatible with the method of parliamentary debate and vote. Such at least was the misanthropic conclusion that was authoritatively drawn and put into effect during the period immediately following.

Bismarck. Now comes Bismarck on the scene; surely one of the great figures of the nineteenth century, though his low opinion of mankind and his scornful attitude toward democracy and the principle of rational persuasion instead of force may not entitle him to a great place in long-run human history. Bismarck frankly adopted as his controlling purpose the achievement of the *unity* of Germany; all other desiderata must wait. But Bismarck remained a Prussian far more than a German. We may summarize the whole story of his achievement by saying that in Machiavellian fashion he Prussianized Germany, brought her under military discipline, and thus gave her a certain type of peace and greatness.

Frederick II. As Bismarck surveyed the situation shortly after the middle of the nineteenth century, he might well conclude that Hapsburg Austria was declining in usefulness and significance, and for Germany's sake must be expelled from her position of intriguing dominance. Of all the other German states, his native Prussia was by far the strongest. Since the fifteenth century one family had ruled her, the Hohenzollerns, a series of monarchs who were generally of high caliber, as kings go, including some considerable statesmen. Outstanding among them was Frederick II, called "the Great" (1740-1786) who should be remembered not mainly for his military skill and diplomatic craft, but because he had a powerful grasp upon the principles of administration. Calling himself "the first servant of

his people," he had built up a tradition of royal serviceability and leadership, and gathered under him a staff of governmental servants, upon whose high efficiency and purity the common man could rely. German science and education had been elaborately developed, and it became accepted tradition that the men of best intellect in the nation should rise by examinations and service records to the position of governmental leadership. There was no representative democracy about this, but there was incorruptible administrative science under the inspiration of the monarch, and there was an effective instrument of national unity so far as Prussia was concerned.

State constitutions. Many another German state had imitated Prussia with more or less success. Some had gone far beyond her in their acceptance and development of what we call liberal ideas, the institutions of freedom and of popular participation in government. Kings and grand dukes had in some instances granted constitutions with bills of rights, and there were representative bodies which exercised more or less watchful control over royal administration. This was especially true of the southwestern German states, which had come somewhat under the influence of France and her "liberty, equality, and fraternity." Even Prussia had received from her king the grant of a constitution in 1850, and this constitution remained in legal force until 1919. But the Prussian representative house, side by side with a House of Lords of reactionary feudal character, was built upon an unequal suffrage which ensured the absolute dominance of wealth. One third of the electors who chose its membership were elected by four per cent of the people, the rich; another third by fourteen per cent, the well-to-do; the remaining 82 per cent of the people were reduced to a paltry one-third of influence in constituting this supposedly popular house.

Bismarck rules Prussia. In 1862 the king of Prussia found himself confronted by a hostile majority even in this pluto-cratically elected *Landtag*. Traditionally the guardian of his state's interest, he felt that a considerable enlargement of the army was required. The house, dominated by its Progressive party, refused the necessary funds. Bismarck, who had hitherto been in diplomatic service, scornful of the traditions of parlia-

mentary life, accepted the king's invitation to become prime minister and solve the difficulty. Defiantly he ignored the hostile majority and for two years ruled without a parliamentarily accepted budget (1862-1864). Solely by royal decree he raised and spent the taxes required to provide the enlargement of the army. His contemptuous disregard of constitutional limitations enjoyed surprising success; in two ways, military and political. As minister of foreign affairs he cynically contrived three wars within a single decade, all of which turned out successfully from Prussia's point of view. In 1864, allied with Austria, Prussia pounced upon Denmark and seized Schleswig-Holstein on the basis of a somewhat flimsy right of succession. Two years of quarrel between the allies were sufficient, and in 1866 Prussia pounced upon Austria, her accomplice, to seize both halves of the loot. In 1870, Bismarck was able to outmaneuver the diplomacy of Napoleon III and involve France and Prussia in a war which each regarded as the righteous defense of its honor.

Confederation and empire. The war of 1866 had been a German civil war, Prussia summoning the smaller north German states to join her in revising the German constitution. The luckless allies of Austria opposing revision were in some instances (e.g., Hanover and Frankfort-on-the-Main) swallowed up by Prussia. They ceased to be states and became mere provinces of their conqueror. The remaining German states north of the Main River were constrained perforce to join Prussia in a North German Confederation; Austria was definitely excluded from Germany; the German states south of the Main (Bavaria, Württemberg, Hesse-Darmstadt, and Baden) accepted the invitation to become allies of the North German Confederation. The war with France (1870-71) was designed to persuade these jealous south German states, since they fought with her as Germans against France, to enter as full-fledged members of the Confederation which she dominated. It was now called a German Reich (realm) rather than League, and its president, the Prussian king, was now called kaiser (emperor). In the expressive metaphor of the time, the German menagerie, which formerly contained two lions, a half dozen foxes, and a score of mice, had by these three wars been reorganized; the old lion,

Austria, had been driven out, down the Danube; one or two foxes had in 1866 been slain and devoured by the fast-growing young lion, Prussia; all the remaining foxes, and of course the mice, now realized that what safety remained must consist in their following the lion's lead. It was a Prussian-made, Prussian-mastered confederate state which Bismarck organized in the constitution of 1867 and somewhat enlarged in 1871.

Bismarck's prestige. But Bismarck's success was not only military, it was political as well. His governing for two years without a budget had outraged the Prussian *Landtag*. But his military success actually persuaded that representative body to swallow its dignity and pass an act of indemnity, retrospectively legalizing what had been unconstitutional. From now on, Bismarck's prestige was beyond question. Germany (Austria excluded) was now one, after a fashion. But this unification had been brought about, not by rational persuasion, but by diplomatic intrigue and military force. Craft, Blood, and Iron had prevailed instead of votes and majorities, as manifestations of the German people's will.

Bismarck's constitution. On this fateful fact Bismarck proceeded in drafting the constitution of united Germany. The driving wheel of the machine was found not in Parliament but in the army and its unified command. Not even the principle of yearly appropriations, long familiar in England as a means of keeping royal administration and the military and naval forces under ultimate parliamentary control, was allowed in the new Germany: the army establishment was set up for a considerable term of years. The further principle was established that a legal entity, such as the already budgeted army, could not be impaired by the unaided will of a mere Reichstag. The representatives might wish to refuse appropriations, but they were helpless to change the legal budget unless they could get the agreement of the monarchistic Bundesrat and the emperor—an absurd supposition, considering that the Bundesrat was a council of monarchs' delegates and the emperor was supreme commander of the German armies.

Army the mainspring. The constitutional emphasis upon the army was a natural consequence of the long history of Germany,

with her gradual conquest for Germans of a place in Europe between Frenchmen and Slavs. The French under Louis XIV had not only conquered to the Rhine; one can still see at Heidelberg the ruin they left east of the Rhine. The Slavs on the other hand (Poles, Czechs, Russians) had been, according to ancient tradition, an invading Asiatic flood which could only be dammed back by the constant watchfulness and valiant endeavor of militant Prussia. Nevertheless this army-ridden constitutionalism, natural as it may be in German history, was susceptible of a new and disastrous interpretation when Bismarck's moderation and extraordinary diplomatic skill was supplanted by the vacillating policy of mediocre ministers and a theatrical kaiser, who had new ambitions that were not European but maritime and world-wide in scope. The war came.

The kaiser. The "western front" of the Allied and Associated Powers in 1914-18 was directed against the Germany that had attained organization in 1867. A few words must therefore be added concerning this Bismarckian system. The kaiser, in whom the outside world imagined power to be concentrated, was not *as such* a figure of great constitutional significance, save in the one function of appointing the chancellor. The name kaiser was hardly more than an honorific title for the president of the German confederate state, a function devolved *ex officio* upon the Prussian king. Most of this man's effective significance in government was in the Prussian kingship, was royal rather than imperial, Prussian rather than German.

The Reichstag. The Reichstag was based upon universal suffrage because Bismarck in 1867 felt that he must pay this considerable price to win liberal elements in German opinion as his allies against absolutist Austria, and indeed against absolutist, reactionary feudal Junkerdom in Prussia itself. He felt confident that he had provided the constitution with sufficient safeguards against parliamentary domination of the executive, at least so long as he himself was the central element of that executive. The Reichstag might interpellate him on policy and express hostile resolutions: but he would defy them. He may have seen as did Disraeli in England (1867) that universal suffrage would send to the Parliament more docile representatives, teachable by him-

self, capable of manipulation—than he would find in an aristocratic body elected by old families and representatives of wealth and intelligence. In any case the Reichstag became an opportunity for the expression of popular opinion, for the blowing off of steam by critical opposition, a “hall of echoes”—and nothing more. Bismarck was often able to frame governmental issues in such a form as would divide hostile parties and draw out of them elements that would coöperate with himself. The Reichstag gradually broke down into a large number of parties, whose hostility to each other on religious, social, and economic grounds left the body too divided and self-distrustful to bring the executive under control.

The chancellor. The Ministry was hardly more than a body of civil servants under the direction of the chancellor. They were appointed by the chief executive (whether royal or imperial) and were responsible to him alone. The chancellorship was Bismarck’s translation into abstract constitutional terms of the singular position into which his extraordinary personality had grown, combining Prussian prime ministership with German foreign secretaryship, and with leadership in both German Reichstag and Prussian Landtag. But there was never more than one Bismarck, and after his dismissal these mighty powers proved too great to be wielded by his puny successors. Here is one primary cause of the breakdown into war in 1914—a Bismarck’s powers misused at cross purposes by a disunited group of inferior statesmen.

The Bundesrat. One of the most important institutions of the Bismarckian constitution is seldom mentioned. The Bundesrat was an assembly of representatives, not of the German people or even of the several German peoples, but of the German monarchical states, in rough proportion to their power. Each had one vote; several had two or more; but Prussia (having absorbed Hanover and others) had seventeen. The total was 58; but this does not mean that there were 58 men. Bismarck might confer with the prime ministers of Bavaria, Württemberg and Saxony. In these four men there was already a majority of the Bundesrat. They spoke with different coefficients, Bismarck seventeenfold, the Bavarian prime minister sixfold, etc. What

these men said to each other was by way of conference for agreement among the executives of the several states; like an American governors' conference if only the governors were the responsible leaders of their several states. A Bundesrat decision could be made by any combination of a majority; but an extraordinarily potent influence was exercised by the one man who could speak with the united voice of seventeen. Considering how much of government in all Europe is traditionally settled by executives, not asking for representative bodies to criticize or sanction, but speaking directly and authoritatively, in matters legislative and financial as well as matters nominally executive, one readily sees how powerful was this Bundesrat. Here Bismarck as Prussian prime minister was chairman and dominating leader. Matters were concerted as if in a Cabinet, for proposal to the state executives, whose leading members indeed composed it, and later presentation to the Reichstag and the state representative bodies.

Prussian domination. In the Bundesrat is the secret of the successful working of German federalism, dominated by Prussia from 1867 until the War. A very lop-sided federalism, it is true, such as Greek and Dutch history told of as leading to empire, and such as made Delaware after the American Revolution fear a federalism dominated by the then empire state of Virginia. The non-Prussian states being by tradition jealous and fearful of Prussia, the relation was exceedingly delicate. In the Bundesrat were determined the multitudinous questions arising out of that delicate relation. The vast bulk of governmental functions were not powers of the Reich but of the confederated states. But the confederated states had this agency of confidential consultation to enable them to think coöperatively and to act, separately but in more or less forced harmony.

State particularism. This German "particularism" is an element of the situation which the American finds it especially hard to conceive, however much he may dwell upon our own states' rights. Prussia might be in area and population three-fifths of Germany, but it was only Prussians who looked to Berlin as their capital. The feeling the American has regarding Washington the Bavarian had not for Berlin but for Munich; so did other

Germans for two dozen other such capitals. To all non-Prussians Berlin was the remote, distrusted center of diplomatic and military activity for common defense; and that was all. By many Germans indeed it was culturally despised. Each small state looked to its prince's home town, still called his *Residenzstadt*, as the center and symbol of its national life. To their princes they looked for personal leadership in society, for paternalistic watch-care. The local dynasty was very likely to be as old and respectable as that of the Hohenzollern in Berlin; perhaps efficient and conscientious, perhaps lax, but certainly beloved and regarded as a national possession and pride. Not even the unifying experience of the World War overcame this particularism, which remains out of history as a vital element, embarrassing though it is for German nationalism. It is against this "particularism" that Hitler's totalitarian centralism is directed.

MUNICIPAL GOVERNMENT

One of the great glories of pre-war Germany, fit to be ranked with her achievements in scholarship and in the arts, was municipal government. Her excellence in this realm brought the world on pilgrimage to see the marvel. It was a direct product of the marriage of private enterprise and thrift with authoritarianism and conscience in the public service.

Property suffrage. Generally speaking, all depended on a suffrage that was restricted to property-owners and graded according to tax-payment. If one rich man paid one-third of the city's taxes, he had the naming of one-third of the representative body; a dozen other well-to-do men, if they paid in aggregate another third of the taxes, had the naming of an equal number; only the remaining third of the city council was left to be elected by the city's mass of individuals, who paid little or no taxes. Here was money talking with effect, no taxation without representation, by due proportion of marks and pfennigs. These men had an investment in the city's future. Many of them had minds open to reason as well as prepossession for tradition, they were ready to appreciate long-run municipal benefits as profitable, since they raised the market value of the municipal stock, even if they did cost taxes in the immediate present.

City council. The German city knew no separation of powers, though there was plentiful specialization of function. The council, as in England, had all the powers that the city possessed, in finance, in administration, and in the determination of policy; for example, whether the city should attempt to surpass its rival by superior development of schools, of ports or parks, whether this year's necessity of cheese-paring economy should make itself felt in diminishing school lunches or labor wages or clever contracts for supplies, or even by the adoption of the latest new device in taxation. An interesting sample of open-mindedness is found in the fact that as early as 1902 the penny-wise, pound-wise burghers of Frankfort-on-the-Main were "socialistically" taxing the unearned increment of land-value. The council, elected for terms long enough (usually six years) to conserve the fruit of experience, had the use of committees and the opinion of experts to instruct it; but it bore the entire responsibility for decision. There was no upper house to thwart the council's plans, no executive veto to dissipate responsibility and suggest evasion, no initiative and referendum to encourage still further avoidance of responsibility, on the specious plea that "the public" could at its own will prod or hold back an unsatisfactory council.

City magistracy. More famous than the council was that element of the scheme which provided leadership. The council elected to its magistracy, for long terms or for life, such experts as it desired. Not necessarily from among its native sons; for if the city's treasury expert or chief engineer or superintendent of schools died or resigned, the council would search the country over for the best successor it could afford, to be paid according to his competence and the effective supply and demand for his services. The number and function of these magistrates varied with the city's size and its degree of developed public consciousness and elaborateness of administration. The magistracy did not, however, consist only of specialists; half its members were elected by the council simply as "city fathers," corresponding to the English aldermen. They were senior councilmen, whose experience and proved trustworthiness qualified them to lead. It was this magistracy—half being highly paid specialists, and half presenting their city gratis the fruits of ripe experience—

which exercised the executive power, while also leading the elective council; after the manner of a Swiss Federal Council or a New England board of selectmen. The magistracy made all appointments. It also issued the multitudinous decrees which are necessitated on the local as well as the national scale by the European habit of regarding the legislature's work as done when it has laid down a principle, the precise application of the principle to social conduct being left to executive decrees, detailed and changeable as executive experience may suggest.

The burgomaster. A slight variation of this scheme was the "burgomaster" system. In some cities the principle of leadership was carried so far as to result in the designation of one of the magistrates as "master," or head of the "burg"; an integrating center, symbolizing the unity of the magistracy's will. Thus perhaps could be utilized and exploited to the full the dynamic qualities of a municipal statesman of outstanding quality, such as Miquel, chief burgomaster of Frankfort-on-the-Main, who also, incidentally, rose to a position of great importance in national affairs. The burgomaster was a chairman and dominating personality among the members of the board of magistrates. He might have risen to that position through specialized competence, say in finance, or as an "unofficial" member of the magistracy, a person of proved trustworthiness for general purposes of municipal statesmanship.

Professional administration. But the curious fact is that the professional career of burgomaster or expert was not localized. Herr Doktor — (usually a man of rigorous university training) might, as burgomaster of a city of 100,000, attract nation-wide attention, possibly as a man of rare technical competence, but even more likely as an "executive," notable for his initiative, resourcefulness, conciliatory power to lead. Precisely as a man with those qualities would rise in American private business, this Doktor — would rise in German municipal business. The city of 100,000 could not long hold him against the competition of cities of 250,000, which could offer higher salary, and larger, more varied problems for solution by his fertile and ambitious mind. The successful burgomaster was a professional expert who had carefully prepared for his career, and spent his life in

the service of several cities in succession, the most eminent gravitating to Berlin.

City manager? It is this mobility, local competition, objective readiness to promote a capable outsider over a native son, which has caused some to think that our American "city manager" is an imitation of the German burgomaster. There is similarity, though there may have been no conscious imitation. Be it observed, however, that there is a substantial difference between the German and American offices. The city manager is on principle an administrator, not a policy maker; he is impartially ready to serve the council in any policy it may choose. He is available as a priceless tool, just because he does not pretend to be the maker of policy or to be more than a tool. The burgomaster, on the other hand, is designed to be hand and head, as well as tool. He is not truly performing his function if he confines himself to the passive reception of a policy, somehow made up by the council. He is expressly required to have a policy and give a lead. In other words, the board of directors expect the superintendent to *manage*.

Municipal decline after the war. The Weimar period (1919-1933), it must be admitted, saw somewhat of a let-down of the excellence of municipal administration, for the obvious reason that a lost war produced such economic distress and social instability as made municipal service a less desirable career. Perhaps the substitution of universal for plutocratic suffrage diminished the watchfulness of the voting opinion, which had stimulated public servants to their best efforts. As the Social Democratic influence in city councils grew, there was a great enlargement of personnel; some were more personally ambitious and class-conscious than expert and job-conscious; or perhaps we should say, more job-conscious than service-conscious. We need not swallow the Nazis' wholesale accusation of "corruption" brought into the "Holy of Holies" (municipal administration) by Social Democratic partisans, expert at winning elections rather than in administering public affairs, who were fostering the growth of *Bonzen* or party bosses, debauching the public service as "spoils." But however much we should dilute the criticism, there is a considerable dose to swallow. Even Berlin had a

scandal, though it was of minor proportions, "honest graft," as Americans say: a contract awarded without perfect guarantee of impartiality. But the very suspicion or whisper of corruption in municipal administration was so new and unusual as to indicate to observers not only the Germans' pain and distress as they passed to a new system, but the notably high standard of the old and familiar.

END OF HOHENZOLLERNISM

Ludendorff's war dictatorship. The operation of the national constitution, thus far described, seemed to undergo less alteration in the course of the great war than was the experience of other countries. For it was made for war purposes, at least for defense; and this was just as much a war of defense to the Germans as to anyone else—at first to maintain Kultur against the onrush of Asiatic, Slavic "barbarians"; later to defend the Fatherland against a world of enemies. Nevertheless the operative constitution underwent at least one deep reaching change. All authority was absolutely concentrated in the executive, as was required by war conditions in Paris, London, and Washington. But instead of a concentrated but political executive, like that wielded by Wilson, Lloyd George, or Clémenceau, which could *use* military power—in War Germany we find the army commander, Ludendorff, reducing the kaiser to a cipher, forcing the appointment and dismissal of chancellors, and trampling down the Reichstag "in his stride."

Defeat compels change. Nevertheless, after marvels of organization and resistance, the inevitable had to be faced. The general had proved himself as puny in statesmanship as he was gigantic in the military art. Late in 1918, America having defied the submarine and added her unwearied hordes to the French and English armies and navies, German defeat could no longer be denied. Even the war dictator had to ask for peace, and recommend, even command, constitutional change. For now it appeared that no peace could be made without a fundamental alteration in the system of German government—President Wilson would have it so. During the first week of November, 1918, constitutional crisis was precipitated by that dire disaster, hardly

imaginable in disciplined Germany—a mutiny. No “stab in the back” by politicians (as now alleged by Nazis) made the revolution of November, 1918, but rather the utter and (by Ludendorff) admitted exhaustion of the troops and the flat unwillingness of warship crews at Kiel to set forth on a mad dash to ship-wreck and death.

Abdication of kings. On the pressing advice of General Hindenburg, the emperor-king abdicated and fled to Holland. So also fled a dozen or more princelings, each of whom foresaw that his state’s loyalty could not be relied upon in the presence of revolutionary turmoil, especially if the “All Highest” was forced to abandon Potsdam. From that time Germany had to feel her constitutional way in the dark, deprived of the leadership of the monarchs whom she had so long regarded as her indispensable guides.

Social Democrats assume power. After the revolutions in the several German states—Germany spent the winter of 1918-19 seeking a stable equilibrium amid world-shaking events. There was no seizure of power by *coup d’état*. A group of six Marxian politicians headed by Friedrich Ebert found responsibility thrust upon them, as leaders of the one great party which had *not* borne governmental responsibility before or during the war, and hence was regarded as most eligible for bearing a burden which at that time every party of governing experience desired to evade. The six Marxians were aligned in two groups of three men each, manifesting the partial and temporary collaboration of two sharply opposed types of thought and action, the Social Democratic and the Communist. True, the latter name was not yet used, but one group made the same insistence upon immediate and violent seizure of all power, upon thorough-going economic transformation of society, which was known as Bolshevism. These left-wing socialists provided much of the dynamic force of the revolution in its destructive phase; for they hoped to reproduce in Berlin the situation of 1917 in Petrograd and Moscow. But they had no Lenin. Indeed they hardly had any plan, but only the vaguest hope. Responsibility for the day-to-day conduct of affairs fell more and more upon the shoulders of the Communists’ *gradualist* rivals, the Social Democrats. Ebert

and his associates were Marxian socialists; but they were Germans first and therefore their first requirement of society was bound to be *order* and social discipline. Though proletarians who had previously been pledged to class war, they must calm the turmoil, negotiate with the conqueror in Germany's name, and as soon as circumstances should allow, draft a constitution and establish orderly practices. Socialization, the realization of the theory which had been their gospel for six decades—this must wait.

Communists crushed. Suffocated by a war blockade that was continued full seven months after the armistice of November 11th, the German people were suffering starvation and despair, and for a short time the horrors of civil war. The Spartacists (Bolshevists) hoped to imitate the Russian example of 1917; but that was regarded by other Germans as a dismal failure and deadly menace to civilization. By street contests they were ruthlessly stamped out; their leaders Luxemburg and Liebknecht were assassinated. The Social Democrats (with certain bourgeois allies) became the conservative leaders of the German state, out of revolution into order. Notwithstanding their traditional profession of the hope of Marxian revolution, it was they who saved the German bourgeois manner of life, and took the lead in the organizing of democratic constitutionalism.

THE WEIMAR REPUBLIC

Constitution of 1919. The Weimar constitution is the outstanding documentary achievement of the first six months of the German republic. An assembly was elected by universal suffrage in January, 1919. Like the National Assembly of France in 1871, this body proceeded to perform a variety of functions, including decision on war or peace, legislation, supervision of administration, and constitution making. The representatives had placed themselves under the guidance of the self-chosen leaders who had made the Revolution and had set up the government of national defense, with Ebert as their head. But almost their first task was the debating, and after three months the adopting, of a written constitution, a document which for comprehensiveness and ingenuity aroused the astonished admi-

ration of foreign as well as German students of constitutional government.

A republic. Upon the fundamental question whether the regime should be republican or monarchic, there could not be any difficulty such as had troubled the French. There was practically universal agreement, at least among voices that allowed themselves to be heard. A monarchist sentiment undoubtedly persisted, but in 1919 it was definitely discredited and in hiding. The word *Reich* as used in the constitution did not mean empire, but rather "realm," as in the German word for France, which is *Frankreich*. The German *Reich* was a republic.

Weimar symbolic. The document bears a place name whose significance must not be ignored. The assembly took pains to meet far away from Berlin or any other important state capital. There must be no risk of revolutionary disturbance by a great city's revolutionary mob, such as had seemed to give Paris a bad name as the disturber of French constitutional peace. Furthermore, the little city of Weimar was a symbol of the Germany that had been great before the time of the Hohenzollern constitution. In the early nineteenth century, while England's fleet might "command on the main" and Napoleon's armies might dominate on land, Germany was supreme in the higher realm—of poetry and philosophy. Weimar meant Goethe, Schiller, and a long line of other cultural worthies of supreme rank. Whatever else the new day might bring, of economic recovery and political reconstruction, allegiance was now pledged to the Germany of spiritual greatness. Demobilized soldiers might be turbulent, women and children starving, Social Democrats stamping out Spartacist Bolshevism, troops of the western enemies and the peace terms they imposed becoming more and more exigent; still the assembly debated with deliberation. Trusting brains, they used as the basis of their discussion a draft proposed by Professor Hugo Preuss, an eminent scholar in administrative law. The assembly finally put the resulting document in force, by its own act in July, 1919. No popular vote was held; neither was the document referred to the states for adoption. The German republic had in revolutionary but effective fashion constituted

itself, and in one room a nationally elected assembly had prepared the law of the nation's political being.

Socialism postponed. Considering that the revolution of 1918-19 was made mostly by socialist-minded labor, comprising trade unionist Social Democrats prevailing over intransigent Communists, it is interesting to observe that these practical statesmen left the realization of labor's demands and the actualization of socialism to a later time, when there should be leisure and a possibility of considerate debate. It was in large measure Socialists who adopted the document, but they did not impose socialism; rather they provided opportunity for its adoption and expansion, bit by bit, at such time as the nation should progressively find itself ready for the legislation and administration of that ideal.

Democratic spirit. The document was long and detailed. Much of the ideal of 1848 was restored: at least the spirit of German national unity and self-government; but the institutions for realizing the new status were vastly different from what had been familiar. Suffrage for the Reichstag was made universal (including women), secret, equal, direct, and to be given effect by proportional representation. The same suffrage and representative system was imposed upon all German states. A bill of rights was adopted, full of doctrinaire comprehensiveness, minuteness; but the sovereign will was declared to be further capable of exercise on these points by the ordinary institutions of government, Reichstag and president and chancellor. The voting people, giving individuals and minorities a written guaranty of their respective rights, was not depriving itself of its sovereign right and duty to redefine and constantly reinterpret those rights. On the whole, the document was an ingenious combination of the systems of France, Switzerland, and America far more than a readaptation of familiar German traditions. It had from the beginning to bear the stigma, not only of novelty, which makes written constitutions always dubious, but also of foreignness; so much there had to be included that was not at all characteristic of the German way of doing things.

Weimar coalition. This word foreignness may give us a useful clue as we identify the three party groups which were most

powerful in the constituent assembly, and were to bear the odious responsibility of inaugurating government under conditions fixed by what loyal Germans regarded as an iniquitous settlement imposed at Versailles. The most numerous of the Weimar Coalition parties were the Social Democrats. They had, to be sure, been loyal in war and their action had been salutary and constructive during the post-war revolution; but for a half century they had been derided by the Court and the Junkers as not fully German; international in loyalty; inspired by a Marxian bible which had been written in London by an exiled Jew, and which told the proletarians of the whole world to unite, for they owed their allegiance not to their country, but to Labor.

Catholics. Allied with the Social Democrats in the constructive tasks of 1918-19 was a party which continued to bear the name of *Zentrum* (center), but which everyone knew to be chiefly characterized by its Catholicism, its loyalty to the Pope in Rome.

Democrats. A third element in the Weimar Coalition was the so-called Democratic party, which continued the tradition of critical free thinking, of the old *Freisinnige* party. It had long advocated a democratizing of the imperial constitution in frank imitation of the British system, desiring that ministries be chosen from and responsible to Parliament. As free thinkers, and in many leading cases Jews, the Democrats would be out of sympathy with the Catholics of the *Zentrum*. Upon economic and social policy they had long maintained a *laissez-faire* attitude, contrary to the protectionist paternalism which had traditionally favored the Junker land-owners; but they were also characterized by deep-seated and thorough-going individualistic opposition to the socialism of the Marxists.

A draft rather than a way of life. Viewing recent constitutional history at large, it must be admitted that the document of Weimar never had a fair chance. It was the by-product of a collapse; it was drafted rather than lived. It never enjoyed a consensus of sincere loyalty, its chief supporters being the Social Democrats, who regarded it as only an installment, and the Democrats and Catholics, who regarded it as a dangerous, if temporarily necessary, compromise. Its only opportunity for ex-

perimental living was a period when Germany's life was dominated by external pressures, largely hostile, and by distressing internal conditions that tended toward economic breakdown. At the end of fourteen years the whole Weimar constitution came to be regarded as accursed. A Hitler group (presently to be characterized) had seized power with a program that was to the last degree nationalistic: a party which was furiously opposed to what its members regarded as the futility and fraud of parliamentary government. In the eye of the Nazi, the Weimar constitution was a thing of foreign origin, befouled by its Jewish connections and by the socialism which it frankly proclaimed. Without waiting for the use of the constitution's own ingenious amendment process the Hitler people scrapped the system described in the document; if they had one constitutional purpose, it was the repudiation of the whole Weimar idea. Yet the curious fact is that after nine early years (1919-1928) of threatenings of slaughter ("heads will roll"), Hitler had subsequently adopted the ideal of *legality*. His acquisition of power, therefore, in January, 1933, was under forms of law. The Napoleonic device of plebiscite was immediately applied, to give the new arrangement an appearance of popular sanction, however much this appearance was falsified by the force-facts and force-ideas of Hitler's associates and followers.

Superseded by Nazis. In the absence, however, of any documentary presentation of the German constitution as Hitler is conducting it, we venture to return to the Weimar constitution and outline its system. It has not been formally supplanted. The nation has not given itself a new written constitution. Except upon points where present ideals or exigencies require change, it would seem to remain in legal force. There may be millions under suppression and in exile, to whom it still remains the constitutional ideal, awaiting a favorable turn of events for restoration. But the reader is warned that in its central principles and at many points of detail it is scornfully repudiated by those at present occupying the seats of power.

The president. Following the example of the French, the Germans at Weimar set up for themselves a chief executive who should be substantially a seven-year constitutional king. The

parties of the Left had no desire for such an office; it smacked of monarchy, and its very existence was a denial of the absolute power of the people's representatives in Parliament. But circumstances of revolutionary crisis imperatively demanded a strong nucleating center of authority. Since divine-right monarchy was no longer acceptable, the people must create an executive head. The French president is elected by the two houses of Parliament. But the German constitution-framers were still dubious regarding Parliament, since the familiar Reichstag had been a mere forum for talk. They chose to establish upon direct popular election an executive that should be coördinate with, and in crisis superior to, the national representative body. The president was to be a permanent, steadying influence exerted upon ministers as they might come and go; the spar to which could be bent the sails that might convert power out of the shifting winds of political doctrine in Parliament. The president was designed to be, like the English king, under the constant guidance of the chancellor, who should be the leader of the popular Reichstag.

Ebert. Given a long period of normal operation, the presidential office might probably have suffered gradual decline to a position of political inferiority like that of the English king. But Germany under the Weimar constitution never saw normal times. Chancellors, corresponding in form to English premiers, never acquired an authority such as could be given by majority leadership; for there was no coherent majority to be led. Presidents therefore were compelled to bear a large share of the burden of executive leadership which the chancellors could not carry alone. Friedrich Ebert, the first president, was a man of dominating force. He had assumed informal leadership in the revolutionary days of November, 1918, a leadership which was later confirmed by the nation. He deserves much credit for conducting administration in a period when all institutions were new and of doubtful quality, when his normal authoritative adviser, the chancellor, was always the weak resultant of party compromises rather than the strong spokesman of popular will. The president attended the meetings of the Cabinet and developed high prestige in their deliberations, as contrasted with a

chancellor who never could, as in France and England, appeal to a Parliament or a nation as its chosen leader.

Hindenburg. Ebert's successor, Field Marshal von Hindenburg, brought to the office in 1925 the immense prestige of a military savior of the nation's life in time of war crisis. It was not as a Junker (he did not acquire that social status until the plutocrats' gift of the East Prussian estate of Neudeck in 1927) nor as the former faithful servant of Hohenzollern monarchs (though he was all of that), it was as the defender of the German nation at Tannenberg (1914) against Russian invasion that he was beloved and trusted. Taking over his predecessor's secretary Meissner, Marshal Hindenburg began to model himself as president upon Ebert the ex-saddler. He took oath to the Weimar constitution, and proceeded as a soldier to be faithful to that oath, however far its obligations might carry him away from the course of conduct dictated by his early prejudices. Like Washington, Hindenburg, who had been first in war became first in peace, the center of the nation's confidence, a rock upon whom one could build, the symbol of patriotic fidelity. Elected as a national leader, he knew that he owed his office largely to opponents of the Nationalist party to which he belonged. He proceeded at once to assume the super-party position contemplated in the constitution. He was equally faithful to Socialist party, *Zentrum* party, and People's party coalition chancellors.

Hindenburg's decline. In the last year and a half of his phenomenally long life, however, Hindenburg seems to have weakened and come under the domination of the Junker group, as represented in his son Oskar and the political manipulator and intriguer Von Papen. They alienated his affections from his former favorite Brüning (whom he called the "best chancellor since Bismarck") and finally he refused to accept Chancellor Brüning's suggested policy of colonizing jobless laborers on Junker estates. This entailed Brüning's resignation and a succession of experiments with the chancellorship. At last he even yielded to the suggestion that Hitler, notwithstanding his anti-constitutional pronouncements, be entrusted with the office. The experience of the year 1933 and early 1934 seems to suggest that the old man in distant Neudeck had slipped down into a

position of insignificance like that of the eighth-century Merovingian kings, whom the ancestors of Charlemagne had left to enjoy the name and only the name of royalty. The modern Charlemagne (Hitler) turned his "mayoralty of the palace" into real sovereignty. Upon Hindenburg's death (August, 1934) the duality of office came to an end. There is no longer a Merovingian title-holder. The chancellorship and presidency are united in the office of the *Führer*, in whom and of whom and by whom are all things in the Germany of today.

Responsible chancellor. The chancellor under the Weimar constitution was definitely declared responsible to the Reichstag. This ministerial responsibility was an institution imported from England and France, but unfamiliar to Germans, who traditionally contemplate ministers as expert administrators, not as politicians using and covering the work of experts. The chancellor, never enjoying a strong majority given him by the people, like an English premier, never had the possibility of directing his ministers as their team captain. According to the make-up of the Weimar Reichstag, he must somehow combine several members each from three, four, or even five distinct parties, each of which was more jealous of the coöperating co-partners in the temporary majority than it was conscious of a national or coalition purpose. If the People's party, for example, was entitled proportionately to two members of the Ministry, it was not the chancellor but the People's party that chose them. A Ministry was compelled to resign, not by a determination of the voting people, as in England, not by a hostile vote in the Reichstag after debate directed by the chancellor in defense against attack, but rather because of the isolated act of one of the coalition parties, decided upon in party conclave of the parliamentary "fraction." An attitude assumed by the minister of one party in the coalition became displeasing to another party in the coalition; the coalition broke up, even in parliamentary vacation, and it was the president's business to find a new Ministry.

Shifting coalitions. The coalitions and hence the Cabinets were of constantly changing composition; there were 19 Cabinets in 13 years, with relatively little continuity in their composition; their average tenure of office was eight months. The

ministers were the mere diplomatic spokesmen of the parties, the chancellor a mere broker to bring them together. In sharp contrast with the French situation, the parties provided themselves with tight organization and a discipline that looked up to recognized leaders or managing directors, called *Bonzen* (bosses). Each parliamentary party (called "fraction") was inclined to set impossible conditions for its entering into any coöperative arrangement. Negotiations for the formation of a coalition cabinet were like those for the formation of a federation of states. The process tended to require a long period and infinite patience, on the part of both president and chancellor; in 1924 it required 31 days, in 1925 46 days, in 1926 43 days.

Continuous tenure of individual ministers. Notwithstanding the short "expectation of life" of Cabinets as wholes, there was considerable repetition and even continuity in the tenure of office by individual men. Among nineteen Cabinets of about a dozen members, the positions were occupied by seventy-nine men, an average of three tenures of ministerial office held by each man. Not that teams of statesmen came in and went out three times as wholes; but rather that these seventy-nine men held office in nineteen successive combinations, which however were discontinuous and all largely devoid of unity of view. Nevertheless, one man held office fourteen times, another twelve, and eighteen were members of six different Cabinets. In some offices there was relatively little turnover. For example, the ministry of defense was held by only three men, and Stresemann was the minister of foreign affairs for six years in succession.

Officials hold over. A remarkable factor of the Weimar administration is the persistence of the old bureaucracy. The cataclysm of 1918-19, unique among revolutions, did not see a clean sweep of the holders of administrative office, to make room for executants of the new ideas. For one thing, the Social Democrats, chiefly responsible for that revolution, had no supply of technical administrative talent with which to fill the offices. The result was that the officials who had been bred up to the tradition of executing the policy of a Bismarck remained to serve a Social Democratic chancellor Scheidemann, or a *Zentrist* Wirth. The influence of these bureaucrats, as might have been expected, was

all against reforming change. The spirit of the old administration survived through the Weimar period; partly, no doubt, because of the splendid intellectual strength it could boast, hardly to be surpassed in its tradition of science and fidelity; partly because of the timidity and weakness of the new ministers. Their parties had made a revolution, but their leaders were not impudent enough to suppose that they knew how to dispense with the experienced servants of the state. They were not ruthless enough, as most revolutionists are, to sacrifice the vested interests of office-holders and as victors seize and redistribute the spoils. That would have been utterly contrary to the German idea of office.

Bureaucrats conservative. With the lapse of the Weimar years, however, Social Democrats and *Zentrist*s filtered into the bureaucracy; and even they acquired its characteristic quality of conservatism, unwillingness to foster change, ambition for a quiet life and a pension. All these men, whether of the old or the new (Weimar) bureaucracy, became an object of peculiar envy and hatred to both Communists and Nazis.

The judiciary. The judiciary was only a special case of this survival of pre-war administration. It remained a stronghold of middle-class prejudices, suspicious both of organized labor and of concentrated capital. It carried to the extreme the characteristically German conception of legal order; it regarded itself as the bulwark of constituted authority and of vested private rights, as against any socializing tendency.

The Reichstag. The Reichstag of 1919 was designed to be not like the Reichstag of Bismarck a "hall of echoes": it was to be the dynamo room of power. Instead of passively receiving and submissively accepting the proposals of an irresponsible executive, it was to be the fertile seed plot of the nation's own ideas, making budgets and legislation according to the thoroughly debated plans of the nation's representatives. But circumstances determined that it should suffer much the same fate as the Reichstag that Bismarck had so cleverly manipulated.

Proportional representation. One of the chief factors that produced this disappointing result was the old proverbial divisiveness in opinion, and of this German tendency proportional

representation was not a cause but only a symptom, a means of revelation. The electoral system installed in 1919 was a paragon of excellence in point of mathematical accuracy; but this very quality tended to make of the Reichstag a hopelessly fragmented rather than a clearly organized body of opinion. Subject to certain minor exceptional provisions, the new representative system allowed any group of like-minded people to send to the Reichstag as many members as that opinion could muster voters in multiples of sixty thousand. The country was divided into thirty-five electoral districts. Each district was to send to Berlin a number of representatives which might vary from election to election, according to the number of multiples of sixty thousand which each party could there collect. But even the crumbs were to be gathered up, that nothing be lost. By combining the thirty-five original electoral areas, eighteen double-districts were composed; and in these double-districts a party might still find multiples of sixty thousand to elect extra members, out of the votes which would have been wasted as remainders in the original districts. Such fragments as still remained might even be gathered together in the whole nation considered as one electoral district, if only the sum might make up the mystic number of sixty thousand. The utmost individualism was encouraged; any body of cranks which could muster sixty thousand votes could get due mathematical representation—except that a special rule provided that no more mandates might be assigned to double-district and national multiples of 60,000 than were already achieved in single districts, an artificial handicap on too minute fractioning of opinion. The seamy side of this system was that while particles of opinion were accurately represented, German opinion as a whole, on large urgent issues that must command widespread agreement among diversified groups, was without adequate effect. What counted was not the fundamentals on which there was agreement but the party platforms on which men disagreed. The representative body became an instrument for the conflict of ideas rather than for the achievement of results.

Party bosses. Another factor, in close relation with the latter, is the influence which this electoral system bestowed upon party

organizers, as such, whether or not they might be leaders of opinion. The voter did not cast his ballot for an individual, he could not express preference among persons; he simply voted Social Democrat, or *Zentrum*, or Nationalist, as the case might be. Then, if in that district his party had entitled itself (by 180,000 votes) to three representatives, the first three names were taken from the party list and these were declared elected. But the party lists were made up by the party managers, who might act in secret and arrange names of candidates in order, under whatever influence they as managers thought convenient. Candidates who had no local vote-getting attractiveness could be carried on the national list, to be elected by remainder votes, gathered in the nation at large. They arrived in Parliament solely by grace of the national party organization, and this was likely to be an impersonal machinery of conventions and committees, with an inevitable tendency toward internal oligarchy.

Parties numerous. One result of this electoral system, that might theoretically have been expected, was an enormous number of parties; twenty-eight competed for votes in 1930; there were always nine that secured substantial delegations; there was none (except the National Socialists, as their revolution drew near) that could hope ever to secure a majority, or to be free from the necessity of sharing power with one or more other parties, of sharply opposed views. This situation tended, as did the Bismarckian system, to encourage party platform makers to be intransigent, doctrinaire. Since they would not be called upon to bear the responsibility of power, the party leaders gave special consideration to the doctrinal purity and the vote-winning character rather than the practical feasibility of their platform planks.

Parliamentary paralysis. When such party groups arrived in the Reichstag, the fact that some of their leaders were ministers, united in temporary alliance and charged with responsibility for conducting administration, caused little improvement in the situation, from the point of view of combined legislative action in debate and vote. Allusion has already been made to the fundamental contrariety of view among the three parties which, as "the Weimar Coalition," bore the responsibility for framing

the constitution and on several later occasions for conducting government. How much worse must confusion have been confounded when the Ministry was made to include representatives of parties still less inclined to harmony. Representing fixed social and economic classes as well as groupings that depend on religious and constitutional principle, the parties continued through the years, impersonal, rigid, condemned to disharmony. In fact the situation was almost to be denominated as paralysis, from the parliamentary point of view. Throughout the Weimar decade there was a minimum of legislative achievement, and that little had to be in skeleton terms, leaving to the bureaucrats the welcome opportunity to interpret such parliamentary legislation in terms satisfactory to themselves.

The complaint was often alleged that parliamentary impotence was induced by international pressure for impossible reparations. This factor no doubt was present, but it only served to exaggerate an evil which already existed. The Hitlerites vociferated against the iniquities of the whole parliamentary system. They might well have found agreement in the sober opinion of the nation, that the Reichstag was not an instrument of abusive tyranny but rather a means of making pitiful show of a national opinion that was divided and subdivided by its own internal hostilities. Designed to be an instrument of legislation it was condemned to a futile display of impotent partisanship.

Principal parties. Before we leave Weimar, it is proper that we make a brief survey of the principal political parties that faced Hitler as he came to power. They are not at present operative, but they are still social forces existing in the minds of men; based on long tradition, and destined to revive and play some role, if by any change of fortune the present regime should fail.

Communists. The Communists, to begin at the extreme left, had their origin in the Moscow revolution of 1917. They revolted from their erstwhile comrades in the Social Democracy to take orders from Moscow, as a branch of the Third International. With the progressive deterioration in the German standard of living, they have won the votes of the despairing who are willing to revolt; and for them there is no compromise

—Germany must become a member of the world-wide Union of Soviet Socialist Republics. Considering that the Nazis have professed to find their chief foe in communism, it is paradoxical to observe that there have been plentiful shifts of membership backward and forward between the Nazi and Communist parties. This, however, will not seem strange if we observe that both groups are “radical” in their protest against society as it is. Extremes meet; and if Hitler’s movement should come to shipwreck on the excruciatingly difficult problems of Germany’s internal economy, thousands of Nazis, made still more ragged and despairing by Hitler’s economic failure, would turn to the no less intransigent Communist demand that *all* things be made new, that the Moscow gospel be swallowed whole. Be it observed, however, that in sharp contrast with Lenin, and with the Nazi evolution of a personal savior, the German Communists have developed no outstanding leadership worthy of the name.

Social Democrats. The Social Democrats stand next among the sectors of opinion. During sixty years they had gradually developed a propaganda of Marxism and a notable structure of working-class institutions for social betterment. With almost unbroken advance they increased their “fraction” in the Reichstag in successive elections, from two in 1871 to 110 in 1912, by far the most numerous party among the 397 members. Regarded by the Kaiser as anti-national and unworthy to be regarded as Germans because of their thorough-going antipathy to the Bismarckian system, it came to light in 1914 that they were more German than internationalist. Their leaders were persuaded that the war was a Russian invasion, and a healthy instinct for the self-preservation of German culture, in which their ingenious endeavors had won a considerable share, brought them into support of the national effort. They shouldered their guns like the rest, as Bebel their gray-haired leader had long ago promised he would. Their international Marxian hopes had been shattered and they proposed to save Germany from Asiatic barbarism and then realize Marxian socialism on a national plane. They had become Democrats with a social view, rather than Socialists, if that name meant cataclysmic or world revolution.

It was the Social Democrats who saved bourgeois society in

the winter of 1918-19. While the adherents of the old regime were in flight, they filled the vacancy, stamped out Moscow communism in the streets, conducted government, dealt with the victorious allies and (with Catholic and Democrat assistance) wrote the Weimar constitution. They also provided faithful support for the acts of government during the first years of the Weimar system. After the Right Wing parties recovered poise and emerged again into public life, the Social Democrats still supported the regime, though half-heartedly, because of the large influence now wielded by reactionary elements. They did so because they regarded it as better than the threatening alternative—a recurrence of pre-Weimar Hohenzollernism, or the disaster (in the Social Democratic view) of a National Socialist revolution.

Conserving the regime against radicalism. Gradualist in their socialism, democratic in their method, they had become the real conservatives with respect to the Weimar regime. They were upholding legality against threatened revolution from both sides, Communist and Nazi. They were hampered in their democracy by the long tradition of Marxian vocabulary, with its vague talk of revolution, and its economic analysis, no longer acceptable as fully sound. They were hampered in their gradualist method by the catastrophic economic circumstances into which Germany was thrown, first by the reparation demands of the Allied Powers and later by the deadly effects of the world depression. Their situation as a party is tragic. During the past decade the two Marxian parties, Communist and Social Democrat, have been each other's dearest foes; yet the Nazis visit upon the Social Democrats the same condemnation (Marxism) as upon the Communists.

Radicals. The next party, as we proceed from left to right, is one which has been condemned to eternal division. It is what remains from the Progressive (*Fortschritt*), Free Thinking (*Freisinnige*) party which had constituted a majority in the Prussian assembly of the early sixties. Their own desire for progress, but progress in various directions, coupled with Bismarck's craft and parliamentary skill, had produced a long series of divisions, temporary recombinations and redivisions. As per-

sistent a name as any for designating this group is *Radical*; but it must be understood that the word is used in a very special sense. Many of these, men of large wealth, have been intelligent leaders in business. The party has received the support of the strongest newspapers, and has included some of the preëminent Reichstag orators, with whom Bismarck found it most difficult to cope. Jews have been many, but it is by no means a Jewish party; anti-Semitism might be directed as strongly against the Social Democrats; in both cases the race issue was unimportant. The radicals were admirers of the English parliamentary scheme, and of the English free trade system in matters economic. Great industrialists after the manner of John Bright in mid-nineteenth century England, they demanded peace rather than colonial or imperialist adventures; they sought also to break down the traditional privileges of land ownership. Intensely individualistic, even of the Manchester School (*laissez-faire*), they were opposed to socialism, and also to clericalism, whether Catholic or Lutheran. Yet it was this party which, at Weimar, provided a draft from the pen of one of its leaders (Hugo Preuss), and enabled Catholics and Socialists to combine in agreement upon a constitution.

With the increase of nationalistic passion, this party of reason has seen its influence decline. With the rise of anti-Semitism, a party whose chief journalistic spokesmen were Jews has suffered persecution. Notwithstanding a vain attempt by change of name to escape prejudiced opposition, as the Democratic, then as the State party, the body has dwindled down to almost nothing, obtaining a delegation of only two at the last Reichstag election before the Nazi regime.

Zentrum. Contrasting with the radicals in stability is the next party in the series, called *Zentrum*, because it was unwilling to be classed as left or right. This body was known to be the party of the Catholics, and its stability was largely due to the ecclesiastical leadership of priest and bishop, who directed the vote and kept it steady, with little variation of strength through five decades. The party originated about 1870 for defense of the educational privileges of the Catholic Church against Bismarck's legislation in Prussia. From that time on, it held its own both

in the Prussian assembly and in the Reichstag, although the *Kulturkampf* (battle for civilization) ceased long ago. Bismarck doggedly declared he would never "go to Canossa" to ask forgiveness; nevertheless, in the settlement that was made between the Iron Chancellor and the Catholics, the Church had not yielded: the chancellor had. Peace between state and church was achieved within ten years; but this supple political instrument of Catholic action continued through the subsequent decades to play a weighty part in the politics of the Hohenzollern regime. It was a solid bloc of votes, united by ecclesiastical loyalty, but capable of being utilized by skillful chancellors as a nucleating center for their manipulated majorities. As contrasted with several of its competitors, the *Zentrum* found its strength in a wide variety of geographical regions, east, west, and south. As a party it was consistently "State's Rights" rather than unionistic, and as such it was a thorn in the side of Prussianizing chancellors. Its loyalty to Rome, like the Social Democratic loyalty to Marx, caused it to be regarded as less nationalistically patriotic than some of the other parties; nevertheless, it provided its full share of loyal Germans before and during the war.

The Bavarians. Another party, the Bavarian People's, may be regarded as a local branch of the *Zentrum* peculiar to Bavaria alone. The inhabitants of this second largest state are Catholic to a man. Their attitude has always been intensely particularistic, against national unification. They may be said to be *Zentrist* plus. They are for Catholicism and "State's Rights" like the *Zentrum*, but are in a higher degree locally Bavarian.

National Liberals. When in the 1860's Bismarck won his striking diplomatic and constitutional successes, he thereby broke the progressive party in two. One wing called itself National Liberal, and became one of Bismarck's reliable supporters. As would be expected from the circumstances of its birth the party was far more national than liberal. Here was the advocate of big business, especially banking and foreign trade, hence of expansion and imperialism. This party was early won for the principle of protectionism, to create a German economy that should be nationally independent and aggressive in its approach to the world's business. It would win a German place in the

sun by diplomacy, and if necessary by other means. The debacle of 1918 left them in disgrace and oblivion, but not for long. Their leaders nimbly seized the opportunity for revival and restoration provided by the Dawes Plan. It was the president of this party, newly christened German People's party, who became chancellor in 1923 and remained foreign minister from that time until his death in 1929—Gustav Stresemann. Practical to the core, he realized that the war was lost—but that in the new world a place for Germany might be made. Germany should at least conform to the Allies' requirements by a promise to pay reparations; whatever the long future contained, the immediate present required compliance with the Versailles treaty. Realism did not shrink from abandoning Alsace-Lorraine, which was lost in fact. Stresemann succeeded in persuading England at Locarno to at least a partial guaranty of Europe's peace on the western frontier. He also contrived the evacuation of allied troops on the Rhine several years earlier than might have been expected according to treaty terms. He developed surprisingly promising relations with France in the person of Aristide Briand. It is a futile but irresistible temptation, to speculate on the results which flowed from the premature death of this eminent statesman, not only to European peace but also to internal German constitutionalism. Stresemann gone, the National Liberals (called People's Party) dwindled down to nothing in the face of world economic disaster and the rise in Germany of intransigent nationalism, that was far more sentimental and passionate than realistic.

Nationalists. It was not only the progressive party which Bismarck split in twain, but the Conservatives as well. Germany contained a quasi-feudal element that was intensely unprogressive. Its dead weight was impossible for him to carry, stupidly dependent as it was upon tradition and ancient privilege, and unwillingness to face the new world of the nineteenth century. Before Bismarck was through, he had challenged the Conservatives, and they had divided into two parts. The one at the extreme right, "more royalist than the king," was called Old Conservatives; another, called Free Conservatives, was ready to accept Bismarck's leadership, somewhat after the manner of the

National Liberals, but differentiated from them by virtue of feudalistic origin and dependence upon land ownership rather than business. These two conservative parties remained divided but sometimes coöperating throughout the Hohenzollern period. At the revolution of 1918 men of this type withdrew from politics, to wait until the storm should blow over. By 1924 they were beginning to reappear upon the stage, now as a single party called the German National People's Party; usually they were called by a shorter name, the Nationalists.

Hugenberg. Here again a single personality may be mentioned, Dr. Hugenberg, although his leadership did not date as did Stresemann's from the pre-war period. Hugenberg was a phenomenon typical of the new time. He represented vast wealth in the Ruhr steel and chemical industry, combined with the spokesmanship for the landholding, Junker type of the region east of the Elbe, where vast estates were cultivated by semi-serfs; and also a third element that may be called organized Propaganda. He bought up and utilized for political purposes a wide network of newspapers and magazines of the most varied type and widest circulation; and to this he added the great bulk of the moving picture industry.

This party of Hugenberg's might seem to be of limited popular appeal, if one thinks of the great wealth involved and the high degree of concentration if not monopolization in the conduct of it. But it must be remembered, as in the case of the Tories in England, that in any highly stratified society there is an immense body of lowly voters who can be marshaled for the measures and men who seem to promise a job, a "full dinner pail" combined with loyalty to the social superior. The possession of press and movie gave this party unrivaled facilities for playing a large part on the political stage. Hugenberg undoubtedly expected to use Hitler for temporary and local purposes and then assume the chancellorship and govern. It will some day be a nice problem for the historical scholar to weave together the threads of a tangled story; to show how intrigue over-reached itself, how big business was mastered by nationalistic passion, how Hugenberg was forced to content himself with a portfolio

in Hitler's government, and then by Hitler as chancellor was spurned and by the nation forgotten.

Flag controversy. The national flag, as a symbol of national sovereignty, became a notable topic of political controversy. Under Bismarck a combination was effected, of the traditional black-white colors of Prussia with the red-white of the Hanseatic cities, which should remind men of the freedom and dignity of self-governing city states, such as Hamburg and Bremen. The result was a black-white-red standard. At Weimar there was substituted a black-red-gold combination, reviving the colors chosen by the Frankfort national assembly of 1848, in its vain attempt to constitute a unified free Germany. Notwithstanding the failure of that attempt, Weimar told the world in 1919 that the ideal of constitutionalism had now replaced the Prussian practice of "blood and iron," in providing German unity; Hohenzollern Prussianism had given place to the will of the German people. Nationalist politics (1925-1933) made strenuous efforts to use flag symbolism to effect a return to Bismarck, irregularly substituting the black-white-red for the republican standard. This occasioned by way of reaction the growth of a wide-spread semi-military formation, the Reichsbanner, of loyal supporters of the newly legalized black-red-gold. The "battle of the standards" in its last phase led finally to Hitler's Reich, which has proudly spread the *swastika*, or black hooked cross, upon a solid red field, telling the world that Germany is not Prussian or federal, but one, and Nazi alone.

Article 48: dictatorship. Article 48 of the Weimar document was the German constitutional provision for what the ancient Roman constitution called the "dictatorship." It provided the emergency mechanism that was imperatively required for meeting occasional circumstances such as invasion, civil turmoil or economic crisis, which might be so distressing that they could not be dealt with in ordinary parliamentary terms. The president was empowered to issue a decree that should meet the situation, in any terms that might satisfy the discretion of the administration. This, however, was not a flouting of ultimate parliamentary authority; for the chancellor's countersignature was required to give validity to the president's decree; and its con-

tinuing validity was subject to a semi-popular control, since the Reichstag retained power within six months to revoke such *Notverordnung* ("decree for emergency").

Notverordnungen. The power of issuing *Notverordnungen* went into operation on a considerable scale during Germany's periods of special crisis. There were forty-three instances in 1920, and forty-two in 1923, the year of the French military occupation of the Ruhr valley. *Notverordnungen* sank into relative disuse in the years of apparent economic recovery, but they rose again to the dozens in 1931 (actually 41), and became practically the normal, the only practicable, procedure for legislation in the days of Brüning's chancellorship (1930-1932) as the state approached the parliamentary breakdown which eventuated in Hitler's revolution. The Reichstag in its weakness never dared to disturb Brüning in his exercise of the president's extraordinary power; it had no alternative to offer. Even the Social Democratic party, hounded and taunted by the Communists for being a responsible participant in the fiscal tyranny and grinding deflation involved in the Brüning decrees, dared not withdraw its half-hearted support of the Brüning government. It dreaded still more the alternative, which indeed was to follow, when Hindenburg put Hitler in office. All Hitler needed to do was to continue the Brüning practice of government by decree, and disregard the requirement of Reichstag control. Thus from Brüning's dictatorship came, by imitation with distortion and caricature, the despotism of Hitler.

THE HITLER REGIME

The "Third Reich" is that phase of Germany's political life which challenges the world's amazed attention today. It can hardly be described; for political emotion still prevails over reason, the necessary facts to be judged are shrouded in the mystery of conflicting statistical claims. It is impossible to strike a balance between the judgments that are passed by participants and observers, for they are seldom judicious, but are mostly at one high-pitched extremity or the other, of extravagant faith or abhorrent denunciation. We must content ourselves with a few hints.

The Hitler movement began in the troubled months just after the Armistice, when war veterans sought a means of voicing their abiding faith in the Fatherland. Their Germany was not only crushed by the victorious Allies, they felt, but internally abased by a new political organization (the Weimar Regime), which to their fevered vision was tainted with Semitism, democratism, proletarianism, defeatism—was, in short, un-German.

Hitler. Adolf Hitler was an Austrian subject who had volunteered in the Bavarian army and made a brave record. Before the war he had known nothing but frustration and economic failure. The war had given him a role, and he had played it with satisfaction. Having miraculously survived, he now found himself once more. He discovered that he had a voice, and a message to which men would listen. They would even pay a few pfennigs admission fee to subject themselves to the magic of his oratory. Money was later found to purchase a newspaper; and the public meeting, necessarily of limited scope, could be supplemented by the printed page in the promising enterprise of rousing an angry people to action.

Propaganda. Conspiracy was resorted to on occasion, and armed insurrection in one instance (1923); but for the most part the movement was one of propaganda and went on in the public eye. Though the movement began in the realm of the politics of indignation, Gottfried Feder early provided it with an economic program, whose twenty-five points, inconsistent though they were with each other, provided all sorts and conditions of men with their favorite recipes for curing Germany's ills. Joseph Goebbels developed an astoundingly successful technique in propaganda, for winning the thousands, and later the millions. But by some magic Adolf Hitler developed, on the basis of his own sublime self-confidence, a popular faith that here was One who could move mountains, the divine Leader.

Public distress. The movement thrived on popular distress. After an early blossoming in the dark period of reparations and Ruhr invasion and inflation, it declined during the false prosperity which occupied the half-decade of the Dawes Plan (1924-1929), when the outside world was credulously lending capital to Germany by the billions. When the depression dried up this

golden stream, and instead brought the sharp financial pressure of bewildered needy creditors—immediately the Hitler party, called National Socialist, entered upon a period of phenomenal growth. It angrily protested against Stresemann's policy of "treaty-fulfillment," it reaffirmed hysterically the greatness of the German race and its right to freedom. In the election of September, 1930, the party suddenly jumped from 12 to 107 members of the Reichstag, and with the spreading of unemployment and the deepening of distress during the ensuing two years it rapidly grew to mammoth proportions.

Nationalism and radicalism. Just what the movement meant by including socialism in its name no one knew, but its nationalism was unmistakable. And its radicalism as well, its willingness to scrap the whole Weimar "system" and make a new German world, in which the rights of men and groups by traditional law might be ignored, the democracy affirmed at Weimar denounced. Germany should rise in her might, made fresh and strong by the sloughing off of old economic evils and recent socialistic experiments. Problems should be solved by the intuitions of the national leader, and the leadership was clearly ascertained. There he was: he said so; he had been saying so for ten years, and here were practically a majority of the German nation's voters agreeing with him, a political miracle in view of German voting habits in the past.

Hitler appointed chancellor. At the end of January, 1933, Hitler arrived in power as the result of an amazing, unpredictable palace plot. It was participated in, passively, by President Hindenburg under the influence of his son Oskar; it was directed against the chancellor, General Schleicher, but it was devised and engineered by the conservative Nationalists, led by Hugenberg; and the chief wire-puller was Von Papen, the President's personal favorite. Hugenberg's notion seems to have been that these young, obstreperous, multitudinous but obviously irresponsible Nazis, including Hitler himself, could be trusted in the long run *not* to set up any claim to the real direction of governmental affairs. Part of the astounding success of Hitler's appeal for votes had been due to his blank record, free from governmental failures, since he had never borne governmental

responsibility. Hugenberg may be imagined to have said, "In point of propaganda the Nazis are strikingly successful, but so far as statesmanship is concerned they are obviously nil; give Hitler enough rope and he will hang himself"; or, to vary the figure, "We Nationalists can use the Nazis as shock troops, and when the dirty work which constitutes the peculiar function of shock troops is done—the Weimar Constitution done to death—we will assume the post of command and retire them to the rear where they normally belong."

Hugenberg's disappointment. Hugenberg found the result disappointing in the extreme. Hitler, having been appointed chancellor, was able to persuade President Hindenburg to grant an immediate dissolution of the Reichstag, which had been refused to his official predecessor, General Schleicher. The "opportune" burning of the Reichstag palace in February gave a pretext for excluding all Communists as alleged perpetrators of the outrage; as a result, the Nazis would comprise a Reichstag majority, and need not rely on the assistance of the Hugenberg Nationalists. Under a show of legality they had arrived in office, and no diffidence restrained them from acting as if they were in sole possession of power. The proscribing of all parties save the Nazis was quickly achieved, including (ungrateful to relate) the Nationalists themselves. Hugenberg, whose broad shoulders had been used for Hitler's climb to power, was now unceremoniously kicked off the ladder.

Regime not monarchist. Difficult as it may be, in terms of constitutional law, it is necessary to note some few of the characteristics of this Nazi regime, that have thus far been revealed. In the first place, the new regime is not monarchist, in the usual sense of that term. Doubtless many sincere believers in the Hohenzollern regime adhered to Hitler in the hope that after his troubling of the waters they might fish to advantage. They remembered that out of the turmoil of 1848 came a reestablishment of monarchy, stronger than ever as the result of the fiery trial. But so far as one can now see, there is little chance of a repetition of that course of events. Divine-right dynasties were discredited in 1918 by their failure and flight. Every passing year increases the people's sense of the anachronistic un-

suitableness of the Hohenzollern and other princes to the present needs of the nation. This repugnance is reinforced by the fact that the former ruling dynasties saved for themselves, out of Germany's ruin, vast individual fortunes which might well have been regarded as public wealth. In 1925 these family endowments were even ratified by popular vote, when the nation, as a matter of dignified patriotism, proclaimed defiance to the outside world of "reparations Powers," against their measureless demands upon Germany, coupled with measureless accusations against her rulers. But as time has passed, and the economic strain has become more and more unbearable, these ex-kings, still rich when nearly everyone else is poor, appear not as divinely appointed leaders but as exploiters. A "new monarchy" may have arisen, but it is not Hohenzollern or Wittelsbach (Bavarian), etc. An essential fact regarding pre-war monarchy is that it was multiple: kings and their dynasties were many. An essential fact about the *Führerschaft* (leadership) of the new Germany is that it is *one*.

Führerschaft. If the Third Reich is not monarchistic, on the other hand it is centralized and integrated in the highest degree. It has accepted the semi-divine institution of a leader (*Führer*). He came up from the lower classes and by a strange series of events, apparently by popular vote, was elevated to the position of unique spokespersonship for the German nation. The German nation, be it observed, not the Hohenzollern or Wittelsbach or other dynasty, not the Prussian or Bavarian or other state. If the *Führer* be divine, his divinity is that which the nation can find and declare in one of its lowliest members, a man who had no experience of statesmanship, and who was even an Austrian subject until 1932. This concept can readily be understood by Americans who love to talk of log cabins as the birth-places of their wielders of presidential power.

Hierarchy. Another vital principle of the Hitler Reich is the assignment of governmental power by the principle of military hierarchy rather than by parliamentary representation or popular vote. Granted a *Führer*, all power is to be exercised by his command. He may receive advice from any source, but it is on his own mystic authority that he imposes law; financial, legis-

lative, even constitutional. The people exhaust their function in recognizing and executing the will of the *Führer*. Experience under the Weimar constitution is regarded as having exposed the emptiness of the claims of both the ideal of democracy and the device of parliamentary representation; for according to the view of the Nazis a Parliament is a place where partial interests, and they alone, find representation. Not by persuasion or parliamentary debate or Reichstag votes are matters to be determined, but by the omnipotent will of the omniscient *Führer*.

Plebiscite. He may from time to time assure himself that he is recognized as *Führer* by summoning the German people to the polls. But such voting is not a popular determination of questions, it is not the setting up and pulling down of a succession of party leaders and programs; the electorate is simply confronted by a situation which the *Führer* in his wisdom defines; he asks them, will they accept his accomplished facts? They have no visible alternative; they are forced to speak; hence they helplessly huddle, and passionately, unanimously shout Yes: a nation of normally critical intelligences, reduced by intolerable difficulties to the degraded status of yes-men, pathetically dependent upon the all-knowing, all-doing hierarchy of Nazi knowledge and capacity, their national life controlled by the balanced judgment or the intuition or the emotional impulse of one poor mortal.

Economic life in state's hands. A peculiar circumstance of this experiment in popular Caesarism is that it comes at a time when the direction of all economic life is thrown as never before upon the hands of the state. War regimentation and post-war problems of reparation and unemployment have deprived Germany of a state's normal amount of economic self-direction by individuals and groups. Banking, since the crisis of 1931, is almost completely in the hands of the state; hence the granting of credit, the determination of life and death for specific branches of economic production. This state control had long been manifested in the utter dependence of cereal agriculture upon state subsidies; it applies now to manufacturing as well. These circumstances, combined with the traditional tendency of Germans to look to the state for direction, may suggest the superhuman

tasks that are now thrown upon the shoulders of the deified *Führer*, deprived though he is of self-directing parliamentary debate and invigorating criticism.

Basic features. One may note six basic features of the present regime. 1. A government that is designed to ensure unquestioned authoritativeness. This result may be achieved, and justifiably in the eyes of the young adherents of Hitler, by the proscription of all parties except the National Socialists. 2. The German nation has been "awakened," and the "Drummer" is now ready to direct the unified energies of an alert, angry people. Decades previously the Frenchman Gobineau and the Englishman H. S. Chamberlain had taught race theories which the Germans now accepted as entitling them to think of themselves as the chosen people. Feeling innately and by cultivation superior to all other races, they devote themselves to a cult of race purity that insists upon anti-Semite intolerance and persecution. This German nation had been woefully divided, first among many states, then among many parties. The Hitler regime must mean not many, but one—one state, one party, one religion, the worship of one awakened Germany. Unity had been outraged by the outside world in the Versailles treaty prohibition of Austro-German union and in the French intrigues (1923) to induce secession by a portion of Western Germany (Rhineland). Against all such tendencies Hitler's Germany would present a united front, even if that union must be purchased by the denial of debate and reason, must be sanctified by anti-intellectual emotionalism. 3. Annihilation of the Communist threat to the capitalist nation state. Hitler has told the world that his chief platform plank is the protection of Western civilization against the Asiatic barbarism of the Communist regime. Whatever he may tell his poor rank and file, he provides subsidies for bourgeois capitalism, though by compensation he subjects business enterprise to a state control which Wall Street would find scandalous. And it is the capitalist economic ideal as against the communist, which Hitler defends as the cornerstone of his structure. 4. The state must be totalitarian. One party and one party alone is allowed; that is to say, unanimity, not diversity of view, is the characteristic picture of the nation's

mind. 5. Paternalism is not only natural, it is essential to the scheme. As a loving father, the state takes charge of its subjects, as children to be cared for, stimulated and restrained according to the all-wisdom of the state. 6. The Third Reich is emphatically not a Conservative restoration. If there is one thing of which we are sure, regarding the ideas of the Nazis, it is that Hohenzollernism is old stuff, like the Weimar constitution. Youth will be served, not hampered by memories or survivals, even those of a Bismarck or a Frederick the Great. The idea of conservatism had gradually come, during Hindenburg's presidency, to be associated with the parties that had drafted and were operating the Weimar constitution. Of these conservative parties, strange to relate, the chief was the Social Democratic. Against it the Nazi revolution is definitely radical.

Constitution transformed by Decrees. What the constitution of Germany may now be is a natural inquiry, but the answer is highly dubious. Under the form of legality, thinly but still insistently maintained, Hitler's Nazis are in the process of completely transforming the constitutional life of Germany. The situation is still highly dynamic, revolutionary; there is none of the solid fixity that could be represented in a document. Decrees without number have been issued by the executive, altering the nation's life down to the lowest foundation-stones and up to the minutest details.

Enabling Act. An Enabling Act was introduced into the Reichstag by Hitler March 23, 1933, and promptly passed by a vote of 441 to 94, only the Social Democrats voting No, the Communists having been completely excluded in advance from all participation in the Reichstag, and all signs pointing to a grave threat of Terror that was to compel passage of the Act, as it were, by force of revolutionary arms. It was entitled a "Law to Combat the Misery of People and Reich." It meant practically the abdication of the Reichstag. It gave the National Cabinet authority to enact all necessary laws and treaties. These might deviate from the constitution, and were not permitted to be thwarted by presidential veto or popular referendum. The Enabling Act left the executive free from the necessity of persuading critics or reconciling conflicting views. Except for reser-

vations in behalf of the offices of President and Reichsrat, both of which have since been ignored, this Act practically gave the Cabinet the power of a constituent convention, as well as that of a national legislature and executive. The only apparent limitation is that the duration of the Act is fixed at four years. In the nature of things, however, that limitation itself can easily be ignored or expressly abolished by the Cabinet.

Spirit vs. Letter. The resulting absolutism is the precise opposite of the democratic freedom supposed to have been guaranteed by the Weimar constitution, with its separated and limited powers. Yet the observance of certain forms of legality entitles the violators of the constitution's spirit to the obedience of the law-abiding millions—a notable example of how, in public law, without the spirit, or against the spirit, the letter killeth.

The Nazis are fond of calling their achievement of 1933 a "revolution." And yet we have noted that the governing group came into power not by a contest with drawn swords or bloodshed, in battle or streets, nor even by a *coup d'état*, but by constitutional procedures. In order to win the adherence of the many millions whose minds are led captive by legal forms (like the luckless soldiers who obeyed a mere uniform that covered the pseudo-captain of Koepenick) Hitler has conducted himself, so far as possible, within the forms of the written constitution, which has never been frankly abandoned and supplanted by a new creation. Nevertheless, the Nazi regime has consciously abandoned the spirit of the Weimar constitution, and proudly proclaims its contempt for the inmost principles which informed that document. Having used the forms of the constitution as a ladder to climb to power, Hitler kicks the ladder away; the absoluteness of the *Führer* is proudly proclaimed, and maintained by the various mechanisms of propaganda and terror.

By its original terms, the Enabling Act was to remain in force until the existing Cabinet should be replaced by another. But the resignation of Hugenberg, June 27, 1933, in no way disturbed the regime of the Cabinet, though in the minds of its constructors, the advisers of President Hindenburg, Hugenberg was expected to pull the heaviest oar and set the course. Other ministers have since been added to the Enabling Act's "unchange-

able" cabinet, including Goebbels as Minister of Propaganda and Enlightenment, Roehm (later executed by Hitler's command in the bloody Purge of June 30, 1934) and Hess as Ministers without Portfolio.

In fact the nation is on a war basis, its very constitution being now in the hand of Hitler, the absolutist *Führer*. The Reichstag is called together now and then to listen to a pronouncement from the lips of the Leader, especially in the realm of foreign policy; for it is advantageous to maintain the parliamentary appearance, which may help Germany's standing when dealing with countries that still cherish their parliamentary freedom. But the Weimar *Reichsrat*¹ has been expressly abolished, by a Decree of February 14, 1934, since as direct representative of the German states it had become superfluous, their "coördination" being otherwise provided for.

Terror. Terror is a mechanism of government which has been revived from past ages and put to wide-spread use. Until the World War and its *Schrecklichkeit* the term "Terror" suggested infallibly to the student of history a course of procedure associated with France in 1793, namely the compulsion to obedience put upon the population because *la patrie* must be defended against a world of enemies, at whatever cost to public liberty or individual personality. It was manifestly a reversion to the archaic in civilization, to the primitive self-preserving herd instinct of the group in power. The presence of overwhelming danger compels blind unthinking conformity to the action (not thought or will) of the mass. The individual, with his desire to determine his own conduct at will, is crudely trampled out of existence by the stampede; mere mob action, so far as the members of the mass are concerned. Modern political Terror is to produce the same blind obedience carried to thoughtless, emotional extremes, but with the qualification that it is now subjected by calculated thought to the will of the dominating group. So a Lenin in 1918, and later imitators such as Mussolini in 1925 and Hitler in 1933, can imitate the Jacobins of 1793, and persuade themselves that in stamping out heresy they are doing

¹ The Council of state government representatives, faintly analogous to the former Bundesrat.

God service; in the stampeding herd's trampling down dissent and criticism they are preserving the state from treason, *Italianità* from bolshevism, *Kultur* from barbarism.

Military discipline. It is not without significance that the systematizing of Terror is associated with the foreign word *Cheka*, for it is in Russia in 1918 that the thing was developed, on a (literally) tremendous scale and to high efficiency, mainly as the new system's defense against "counter-revolution," whether that resistance to the Bolsheviki's overmastering purpose took the form of inefficiency, slothful indifference or willful sabotage. Opposition to the new regime must be thwarted. The lax and the critical must be made over into docile instruments, after the manner of military "discipline," which turns over the recruit to the drill-sergeant's oaths, and makes the potential soldier out of the civilian by suppressing his independent thought and will. The recruit is taught to be more afraid of the sergeant than of the enemy, the latter being distant, imaginary, vague, while the former is immediate and concrete and manifestly terrible.

Secret Police. Like other "dictatorships" in Russia and Italy, so also Nazi Germany has her Secret Police (*Geheime Staatspolizei Amt*, familiarly known as *Gestapo*). Here is the now familiar apparatus of secret inquiry, with the aid of espionage and provocative agents, followed by secret arrest, torture, and summary immurement in concentration camp. The judiciary exercises no control; for the citizen's rights-at-law are suspended (as against the Nazi government) by the Enabling Act, and the personnel of the judiciary has been carefully combed out, to remove elements which would make matters difficult for the *Cheka*, who are to make, administer, and execute the "class justice" of the Nazi regime. In the words of Dr. Frank, Reich Commissar for the Coördination of Justice, "Justice can never be anything that is contrary to the interest of the nation"; and of Hitler, "Equality before the law will be conceded to all who assist the national cause and do not refuse to support the Government."¹

Federalism supplanted. The federalism of old Germany has been supplanted by Hitlerite unification. Several laws were passed for this purpose during the regime's first year. State ex-

¹ Heiden, *History of National Socialism*, p. 348.

executives were authorized to legislate, free from the control of the state legislatures or even state constitutions. The state representative bodies were first reduced in size, and reconstructed so as to give the Nazis the same position in them, proportionately, that they held in the national government. Regents (*Stathalter*) were appointed (Act of 7 April, 1933) by the Reich executive, paid and instructed and subject to instant recall by the same body. The Regents became the political executives for coordinating and providing liaison between the actual administration of the several states and the Hitler regime in Germany as a whole. The Regents might appoint and dismiss the chief and lower executive officers of the several states.

Prussia. Prussia was dealt with in a special way. She received no regent of her own, for there was Premier Goering, Hitler's right hand man, to act as Prussia's regent. This practically abolished the dualism of Prussia and the Reich, and made possible a personal union of Reich and Prussian ministries. But in general, this aspect of Nazi policy means the complete acceptance of the principle of unified nationalism, in defiance of the age-long tradition of state separatism.

States effectually abolished. The whole tendency of the Nazi regime is to do away with the separatism of familiar states (*Länder*). Almost without exception these states had been the historical result of the ambitions of monarchs. They had stood in the way of German unity. The satisfaction of their state rights had been one of the most persistent causes of the failure of a German nation to come into effective being. Finally, the states' *Landtags* were dissolved by decree October 13, 1933, and no provision was made for the election of successors to these bodies. The states no longer effectively exist; mere administrative agencies of the politically centralized national state have taken their place. It is like the French revolutionary government's supplanting (1791) of a dozen or so historic duchies and counties by 88 *départements* of a highly unified French nation. Will the consolidation of power be as permanent in Germany as in France? Regarding the conflict of social classes and religions, it is like the Russian revolutionary denial that religion exists, the declared supplanting of all group interests by an absolutism

of the proletariat. Will the German result be analogous to the Russian, and produce the unified mastery of an oligarchy, that regiments both artisan and peasant—intelligentsia stamped out—in the national interest, as determined by the economic policy, “new” and “planned,” of the conquering group?

Hitler's party. As in the case of Soviet Russia and Italy, particular attention must be given to the party, which is now sovereign over all governing bodies. Hitler did not found the party, or name it. There was already a group in existence, which he entered as Number 7 in the governing committee. He quickly assumed the lead. He was prospectively useful, as he was then (1919) a demobilized soldier with no prospects as a civilian, but possessed of a flair for speech-making to inspire soldiers to think patriotically, amid an atmosphere of despair, befogged by millennial internationalist hopes. The party began as the German Workers' party, and it was for this group that Gottfried Feder constructed his 25-point Program (1920), which later became famous and was declared unchangeable. Other groups were spontaneously forming, in great numbers, with diverse names, and the need for consolidation was pressing. Hitler would have preferred to avoid the word Socialist in the party name; but as qualified by “National” it was made acceptable, and from April, 1920, the party has been called the National Socialist German Workers' Party (NSDAP, the initials of *Nationalsozialistische Deutsche Arbeiterpartei*).

Bourgeois attitude. Hitler has said that there was no room in his party for the “class-conscious.” This was no doubt by way of reaction against the intense emphasis of Marxism on the worker's consciousness of his world-wide proletarian class, as against patriotism. But at the very beginning this anti-Marxian attitude of Hitler induced a certain bourgeois class-consciousness which the party has never lost, however much the progressive impoverishment of all might seem to mean a universal reduction of the people to proletarian status.

Hierarchy. The organization of the NSDAP party is entirely on the principle of hierarchy, responsibility coming from above down, obedience going from below up, all reaching its climax in the authority of the leader. Hitler has a party Cabinet of

some seventeen men, each at or near the head of one of the major organizations of the party, such as storm troops, guards, finance, propaganda, press, youth. These departments, unified in Hitler's supreme command, gear into all parts of the social life of Germany. Furthermore the whole realm is divided into 32 *Gauen* or districts, each of which has its *Gauleiter* or district leader. This provides the party with a "Line" organization, to which the above-mentioned is a sort of general staff.

Storm Troops. The organization of the rank and file has been a thorny problem. The Storm Troops (*Sturmabteilung*, SA) began as the private army of the Nazi party, whose units (*Rotte*, *Schar*, *Trupp*, *Sturm*, etc.) closely corresponded to the army units called squad, platoon, troop and company. The idea of Roehm, their original founder, was to organize a secret people's army in replacement of the forbidden conscription system. Roehm was a brave soldier; but he was only a soldier, no politician or statesman; and when there was no opportunity for proper soldiering he was quite capable of gathering mere gunmen about him, useful only for political assassination. The *Schutzstaffel* (SS) is to the *Sturmabteilung* what the old guards used to be in relation to the bulk of the army; of smaller numbers, but of higher intellectual caliber, carefully selected and reliable, like a Roman praetorian guard, intimately tied, by function and special privilege, to the person of the party leader. They were a bodyguard. They would also keep order at party meetings, and forcibly expel hecklers or would-be disturbers. Of late it has become one of their important functions to spy upon and keep under control the more heterogeneous storm troops.

Henchmen needing Commander. The members of the *Sturmabteilung* were, in the early days, "soldiers in search of a party." That is, the party provided unity and leadership and political mode of action to a seething mass of quasi-military material. Some were war veterans, dislocated, unemployed, disgusted with the Weimar system's political methods, which they felt could flourish only at the expense of the state's authoritarianism. Another element was youth, equally unemployed and dislocated, the worse that they had never had a situation to lose.

Both these types of guerrilla material were (like Mussolini's *squadristi* in 1920-1922) a mass of henchmen, like the followers of a Renaissance *condottiere*, supplying him with brawn in quantity, expecting him to supply them with brain and a living, a career. The great majority of its members were not politically minded, but small people, desiring attachment to the aggregation that seemed most likely to be the going concern, something that could give them support and command. They were not revolutionists striving to realize an idea, but, like the raw material of nascent feudalism when the Roman Empire was decaying, they were people who only wanted security in an anarchic world, and were willing to "commend" themselves and serve their superiors. Such a mass had never known the ideal of self-reliant democracy; would fear indeed and despise it; the only thing they could do to a democratic constitution or party was to stamp on it.

Components of storm troops. The Nazi state suited such people by building up a vast bureaucracy of offices, which answered to the traditional German ambition to become part of the state body of officials, the "popular hope of an official post which has been described as 'loyal, German, and entitled to a pension.'"¹ Roehm, whose original idea of the SA had been the "people in arms," enormously increased the membership, and it rose to three millions. Many were workmen, who had been disappointed in other parties, and thought they had now picked the winner. Many were of the lower middle class, now in despair, unless the Nazi state could save them. Some perhaps were Socialists or Communists who hoped to bore from within. No one knew how large a proportion of these brown-shirted men were of the type humorously described as "beefsteaks, brown outside and red inside."

Discontent of storm troops. After a year of power, the consolidated Nazi state was embarrassed by the faith and hope of its rank and file, as the rank and file became embarrassed and mistrustful regarding its leaders. There was talk in the SA of a "second revolution," that should achieve for the dislocated masses some of the "socialism" that the party name had prom-

¹ Heiden, *op. cit.*, p. 381.

ised. The declining standard of living made the SA members feel that they had gained nothing, had indeed lost, by the transit of power to an ambitious group who were turning the Nazi state into a mere instrument for the aggrandizement of industrialists, bankers, and Junkers, such as Thyssen, Schacht and Papen. But the SA was without skillful leadership. The feudal vassals (SA) had become, notwithstanding their numbers, no longer a match for the pretorian guards, the *Schutzstaffel*. They suffered from the association of their organization with a man who seems to have become intolerable to the powers that be; to the army because of Roehm's military ambition, to the men of substance, now well entrenched, because his SA troops were suspected of preparing a second (real social) revolution, to Hitler, it is rumored, because Roehm knew too much about Hitler's past.

Blood Purge. The episode of June 30, 1934, with its hideous massacres by Hitler and Goering of their personal rivals, is still highly obscure as to its causes and even its immediate occasion. But the result, aside from the shedding of the blood of scores of outstanding and influential figures,¹ was the tragic downfall of the *Sturmabteilung*. It was broken, deprived of its position as Hitler's rank and file, reduced to a helpless rabble. The "people in arms" of the murdered Roehm is no more. The *Schutzstaffel* remains as Hitler's guards. The disciplined army (*Reichswehr*) has reassumed the dominant place, natural to a German constitution before and since the Weimar Experiment; but obedient, no longer to a hereditary dynasty, rather to a political *condottiere* who has become that new governmental type, a self-chosen sacrosanct national *Führer*.

Defense-complex. Another militaristic feature of Nazism is that its main, controlling, central interest is a defense-complex. The present government of Germany regards the Weimar constitution as a symbol of the state's capture by defeatists, who signed the "war guilt lie" in the Versailles treaty, the declaration that their Fatherland was the author-instigator of the World War and all consequent disasters. The Nazis react as far as

¹ Hitler acted alone, as he told the Reichstag, as the "supreme court" in crucial cases.

possible in the opposite direction. The war is not over. The nation must be defended against defeatist treason within. All necessary social energies must be expended on rescuing the Fatherland from a world of enemies and a mob of misguided or criminal internal traitors. Since the war is still on, all war measures are permissible, and requisite, even sanctified. Since every effort of Germany to assert herself is met not with conciliation and sympathy but with blank denial, the war-psychosis gets deeper and more complex. The danger becomes greater that a Nazi Germany, treated as a pariah among nations, may run amok, the bull in the china shop go wild. It is for the military man "not to reason why," it is his "to do and die," passionate and free from the inhibitions of intelligence.

Army. The *Reichswehr* (standing army) remains one of the standing puzzles of the situation, teasing the observer, who is unable to assure himself of its real present position in German political society. By the international regulations of 1919 the German military force was required to be a permanent professional body rather than the familiar "people in arms" produced by conscription. It became a highly trained body of professionals, with strong traditions of competence and fidelity, even the rank and file standing upon a twelve-year enlistment. This professional body, the observer is entitled to suppose, regards the hundreds of thousands of Nazi "storm troopers" as tin soldiers, whom they could deal with "in their stride." The politically important aspect of the matter, however, is in the mastery of the *Reichswehr*. The tradition of respect for science and for expertness had required that the Weimar statesmen leave the army as well as the civil service in hands that knew how to wield it and by training to continue its tradition. The *Reichswehr* retained an officer corps which carried over the militarist traditions of the pre-Weimar regime. In fact, an enumeration made in 1926 showed that even then over half of its highest officers were of the old aristocracy. They were not serving Weimar, presumably, but rather the Germany that they knew, for which their fathers and grandfathers had given military service as the noblest tradition of their families, for which many

of their class associates¹ had suffered and died in 1914-18. It was Germany as a nation in which they were concerned. To them the form of the regime mattered little, except as a monarch had honored, while they felt that democratic politicians tended to degrade, the military career.

Hitler not a "militarist." Nevertheless, it is true, and of great significance, that Hitler, a brave war veteran of the front line and of the dangerous courier service, is by no means a "militarist," if by militarist we mean a man who believes that the conduct of the political affairs of the state should be by the army or by army men. He is thoroughly convinced that the military force is "only a tool, neither hand nor head." The head is Hitler. He retains General Blomberg as Reichswehr minister (minister for the army) but that is because the latter is a professional military man, thoroughly determined to be completely non-political.

A military successor? The observer is irresistibly tempted to speculate on the consequences of a possible failure of Hitler to maintain his leadership, whether because of inextricable economic tangles; or as a result of diplomatic errors, or any other conceivable set of unfortunate circumstances. Hitler gone or discredited, does that leave Germany in the hands of her military guardians? Will a military dictator arise, strong in his appeal to the ancient Prussian tradition of arms, fortified by the nation's disappointment over the breakdown of governmental methods which the soldier despises as "political"? We must leave that teasing puzzle unsolved.

ECONOMIC PROBLEMS

Unemployment. Among the causes of the Nazi revolution, considerable weight must be assigned to the economic difficulties; for obviously semi-starvation and dislocation may reduce a peo-

¹ According to recent reports, even the *Stahlhelm* (Steel Helmets) is undergoing "coördination." Or rather, it has been "liquidated." Since the very name of this organization (Steel Helmet) is a brutally strong reminder to war veterans of their close association in the nation's service, their suppression as an organization has a notable significance. It is as if a movement had achieved power among us that found the American Legion untrustworthy, perhaps lukewarm in its loyalty to the state and fit to be stamped out.

ple's morale. To begin with, here were hundreds of thousands of returning soldiers, active of body, but familiar with no peacetime tasks. But also four war years of industry, devoted to steel and chemical manufacture for war purposes, left a civilian population with technological unemployment on a stupendous scale. This was much enhanced by the wide spread, during the post-war years, of what is called in Europe "rationalization," in America "scientific management," the laying off of hands. Reparation policy (for which the outside world shares the responsibility) kept business and private finance uncertain as to its future, another large contribution to unemployment. A whole generation of youth had been born and reared under war conditions, which produced, not so much dislocation as non-location.

Inflation. To this series of factors affecting youth and the proletariat, we must add the infinite disaster of the Inflation. The headlong flight of value from the mark in the course of 1923, the anarchic financial situation in which a ten dollar bill sent by an American friend could be exchanged for the thousands of marks required to wipe out a farm mortgage, and provide a good dinner besides—such a situation dealt a deadly blow to thrift and social stability.

The middle class, always the mainstay of society, had been suddenly proletarianized. It retained its middle class ideals and requirements, of respectability, a white collar, books, theater, music; but in actual fact it was reduced to the proletarian status—want, irresponsibility, despair. This situation can be read in the statistics of party voting in the latter half of the Weimar period, the constant decline and ultimate disappearance of the parties which professed to speak for the bourgeoisie; the meteoric rise, as world depression deepened, of the party (Nazi) which disclaimed all responsibility for the past and only looked forward to a vaguely imagined future. A vast fund of discontent has been capitalized by Nazi propaganda, the turning of despair into political purpose. Away with the Thing that Is. All that is familiar and tried is untrue, faulty, economically and socially intolerable.

Agriculture ill-organized. The present economic situation of Germany, even regarding production, is highly anomalous. Her staple agriculture, as a social institution, is only somewhat less backward than that of Poland. In the region east of the Elbe, semi-feudal estates of vast acreage are held by Junker families of ancient historic tradition. The owners have become army officers and government officials, but they regard themselves as a noble caste, to whom society owes a living, and a lordly living at that; the working-people are hardly better than serfs. The natural result of such a social grouping is that this agriculture is hopelessly uneconomic, always deeply involved in debt, though its political importance to the militarism of the old regime induced the state to subsidize it. This protectionism was at the expense of the West German industrial laborer's food-budget, and was carried to what the non-German regards as a scandalous degree. While the Junker landlord is pampered, the peasant is impoverished. Over three out of five million farmers have less than five acres each, a situation which, as Irish experience long ago demonstrated, is really agricultural slum congestion. Yet the landlord is land-poor; cancel his mortgage, and within three years he is again head over heels in debt, clamoring for still higher protective tariffs on the grain he raises, which amounts to a further tax on the industrial laborer's loaf of bread.

Interest-slavery. The Nazi movement made a great appeal to the country people; the Junkers liked its chauvinistic nationalism; the agriculturists, high and low, were caught by its program promises of abolishing "interest-slavery" and of distributing the land to those who need it; the economists also were interested in its promise of the breaking up of the permanently uneconomic *latifundia*, if one may borrow that name, with its reminder of the vast serf-cultivated, absentee-owned estates that cursed Rome and assisted her decline. But in actual execution of those agricultural promises the Nazis have failed completely. Most of the talk about "interest-slavery" was ignorant, frothy demagogic nonsense to win votes. The estates have not been broken up, uneconomic though they might be. The very good reason is that the estate-owners are too potent with the political powers that be. President Hindenburg (formerly an army officer on pension) be-

came one of this class when wealthy men made up a purse to endow him with the East Prussian estate of Neudeck—though it was made over nominally to his son Oskar for the avoidance of impending inheritance tax. It was the estate-owners who stood undaunted and unbreakable against Brüning in 1932 and against Schleicher in 1933, when these two chancellors made moderate scientific attempts to grapple with the East-Elbian land problems. Hitler is faring no better in the person of his deputy Darré. For broad-acred Junkerdom is still king in Germany. It always has had intimate ties with the army, which traditionally drew a disproportionate share of its officers from the landed families. Junkers' influence and peasants' votes made Hitler master of Germany, but, according to ancient German tradition, the landed interest retains its unique social superiority and political preponderance.

Feder's program. There is a curious paradox in the German situation. The Hitler movement, in considerable measure, owes its success in grasping power to the nation's economic distress, its rise in numbers showing a curve closely correlated with that of unemployment. But the party owes its organizational life to opportune financing both by big industrialists of the Ruhr district and the Junker agriculturists of the East provinces; though the latter group pay not in filthy lucre but in social prestige. The party leader himself is devoid of economic schooling or experience. The Hitler bible (*Mein Kampf*) almost completely ignores matters economic. The 25-point Program of 1920 was the work of Gottfried Feder. It is a list of mutually inconsistent economic offerings of all things to all men, but there is much emphasis upon the tyranny imposed by the capital-interest system (*Zinsknechtschaft*). This is not strange in view of the mode and degree in which debt, grown from a cloud which had been the size of a man's hand, was now expanded to cover the heavens with a threat of devastating storm. The debtor had become a slave. Away with the chain, away with the credit system! Here perhaps is the key to the use of the word socialism in the party name of the Nazis. It was not only a propaganda device to win the millions of voters who had always associated the name socialism with the vague concept of relief to the needy. Let there

be a new national life and somehow new solutions of social disorder will emerge and get themselves accepted.

Feder supplanted. Unlike Roehm and Strasser and many other leading Nazis of the early days, Feder is still alive, but he has been relegated to a position of comparative insignificance. His views might in general be said vaguely to suggest those of William J. Bryan in 1896. But the men who are in governmental office and influence today (for example Schacht) are to be typified rather by Pierpont Morgan. What these men are doing with the governmental power that has been seized (by Hitler's and Goebbels's spell-binding, and Goering's brute force) and put in their hands, is impossible to judge at this date, but we may at least observe: private wealth is not disturbed in its privileged position; labor, formerly a self-determined movement, is emasculated and terrorized into semi-servile cringing for the retention of one's job; big business (including banking) as well as big agriculture, is learning that while profits may be appropriated to the private purse,¹ losses may be socialized. That is to say, bankrupt Junker estates and important banking and industrial enterprises have found the state willing to take them over, and rescue them by public credit for their private owners.

Hereditary Farms. The peasant, because of his nearness to the soil (*Blut und Boden*), was supposed to be the darling of National Socialism, to be cherished, in contrast with the industrial proletarian ideal of the Socialists. But he finds that the ameliorative measures taken by the Nazi government are mostly in the interests of the bankrupt Junker holders of vast estates. The Nazi state's one notable act in the peasant's behalf has been the Hereditary Farms Act. In broad terms, this may be said to establish and universalize the ancient institution of the Entail, a permanent restriction of land inheritance to one son, to prevent the division of estates. The act forbids mortgaging. This is a measure that does indeed forestall indebtedness, but at the suicidal price of sacrificing all opportunity to mobilize credit. The peasant is practically forbidden to borrow capital on his

¹ But even profits are now restricted to a 6% dividend, any surplus being practically compelled to be invested in state bonds, on the theory that they were only made possible by state contracts.

land and its potentialities in order to make a profitable combination of land, capital, and his own labor. The enterprising thus lose at one blow their best asset, the general confidence in their credible and probable capacity to grow and progress.

Big business. As contrasted with agriculture, manufacturing industry is far more effective economically, indeed it is among the best in the world; but it was relatively recent in the date of development, and therefore does not give political prestige. Big business likes Hitler's hostility to socialism, and especially to "free" (Marxist) trade-unionism, and contributed generous subsidies to the financing of his rising party. But in industrial capital there is more of the speculative and personal, as typified by the career of Hugo Stinnes, Lord of the Ruhr billions in 1923, almost forgotten today. The industrialists have a tendency to keep an eye on international markets and foreign exchange, and to realize the absurdity of the policy of economic self-sufficiency, known as *Autarkie*, which even Hitler has characterized as "silly."

Equilibrium, not conflict. The relation between Labor and Capital is thought by the National Socialists, as it is by the Fascists in Italy, to be a matter in which the national interest must be held not only paramount, but exclusive. There must, according to their theory, be no possibility of contest for the mastery of either by the other. The two interests must instead be maintained in due balance for coöperation. The finding and maintaining of this equilibrium, in business, manufacturing and agriculture, is to be one of the principal functions of the party, which has never pretended to be on one side or the other, but is intensely middle-class and always state-minded. Conflict is to be eliminated: the watchword is *Gemeinnutz vor Eigennutz* (community welfare must come before selfish advantage). The party would protect the individual and the family from unjust restriction by monopoly or privilege, or other parasitic and cancerous growths in the social body. All the time the party is providing its members with jobs and a living, on the condition of their remaining loyal National Socialists.

Labor Front. Early in 1933, within two months after Hitler's accession to power, the old familiar trade-unions, which had been

developed under the fostering care of the Social Democratic party, were on that pretext swept out of existence. Their headquarters and equipment were thriftily seized by "cells" of the National Socialist party and the whole familiar apparatus put to use under the new auspices. The same fate soon overtook the trade-union system that had been developed by the Catholic party for its own special purposes. From their two chief rivals, then, the Social Democrats and the *Zentrists*, the Nazis appropriated the idea of providing under party auspices an all-inclusive system of social welfare institutions, for making the worker feel at home and well-provided. This movement and system, in a period of universal conflict, was christened with the military-sounding name of Labor Front. The membership became practically compulsory for all workers; its conduct was highly regimented.

Regimentation. But regimentation is not for labor alone. Almost immediately steps were taken for dissolving the employers' organizations as well, and incorporating these groups also in the Labor Front. The theory is that the Front includes all who work by brain as well as by hand. This is to include not only white-collar "employees," but managers, directors, superintendents, the whole social function of management in fact. The difficulties of organization are not slight, categories conflict and overlap, there has been much experimentation, and some vacillation, as decree has followed decree. Good judges are convinced that while the true labor forces are strictly regimented under party pressure, since it is easy to dismiss the unfaithful from their jobs, there is a good deal of bogus about the application of the scheme to owners and managers. They cannot so effectively be subjected to pressure. On the other hand, the scope of the movement was broadened in late 1934 to include even agriculture, somewhat vaguely, in the Labor Front. Such a step was required by the hoped-for comprehensiveness of the plan, but it remains to be seen how much reality can be achieved, as economic facts are twisted to suit logical need. Not only politics, but Nazi schematizing, makes strange bed-fellows.

Economic "leadership." There is much that is nebulous, or at least fluid, about the Labor Front, regarded as a symbolic uni-

fication of all elements of the nation as an integrated production unit. We can hardly do more than note a few of the features that appear on the surface. For one thing, the "leadership principle" is now to be applied not only in the relation of Hitler to the nation as a whole but also in the individual production unit—the farm or store or factory. In each individual plant, under party watchfulness, one man is leader (ordinarily the owner or manager), the others, formerly called employees or workers, are now named "followers." By law it is declared: "He shall promote the welfare of his followers, the employees. The latter shall be loyal to him as fellow members of the working community."

Institutions maintaining social peace. How is this idyllic relation to be maintained? For the most part, doubtless, by the pervasive pressure of the ubiquitous National Socialist party. But there are also certain special institutions designed for executing this great purpose of guaranteeing social peace. (1) A council for conciliation is to be set up in each production unit; its members are agreed upon by leader and followers, the latter balloting on a list that has been found acceptable to the leader. (2) The country is divided into thirteen large areas, in each of which there is one person called the labor trustee. To him complaints may be made regarding eventual dissatisfaction with the methods used by the plant leader in the shepherding of his flock. This labor trustee is appointed by authority of the state, and has large powers of supervision over all enterprises in his area. He may even cancel decisions of plant leaders. Strikes are outlawed, but on the other hand workers may be laid off only upon his authorization. (3) There are also courts established, called "courts of social honor." Each has a judicial officer as chairman and in addition one member who is representative of the laboring group and one of the employing group. These courts of social honor may disqualify the leaders of economic units if they abuse their authority "by maliciously exploiting the workers or offending the followers' sense of honor."

Party control. Running through the whole scheme is the theory that as the nation is at one internally and is at war with a wicked world outside, all economic effort must be authoritatively,

dictatorially, paternalistically coördinated. Formerly there were self-constituted, self-directing associations, spontaneously, freely arising to avert friction and negotiate a composition of divergent interests. Now the nation cannot afford the luxury of divergent interest. To avert waste, self-direction must be cut out. To avert the anarchy of social warfare, all production is regimented, freedom is canceled. As Labor Front all economic life is placed under Nazi auspices, completely under the tutelage of party sub-leaders.

Nazi view of Law. One point of Feder's NSDAP program called for the "substitution of Germany's Common Law for the materialistic international Roman Law." This astonishing declaration of juristic independence is difficult to comprehend, except possibly as a gesture of crass chauvinism. It is hard to believe that Germany would sacrifice the magnificent achievement of her eminent scholars and administrators in the adaptation of Justinian's legacy of jurisprudence to modern uses. The matter has been recently "interpreted" away by justice minister Frank: "What was meant was Roman Law in the degraded and archaic form in which it was introduced to the German people, and not the Italian treasure of Roman Law which would always be an object of admiration."¹

MORAL FEATURES

War Guilt Lie. More fundamental even than economic considerations is one moral feature of the Hitler regime: Germany is trying to vindicate herself against false charges. She insists on not being regarded as a pariah among nations. History will tell, after vain attempts to measure responsibilities, how much the Nazi revolution owes to the "War Guilt Lie." In her view the war was a struggle to defend civilization against the dread barbarism of Asiatic Russia. She knew she was not guilty of the charge of bringing on the war, though there might have been blunders in the diplomatic ranks and especially at headquarters. The fresh resources of America finally came in to make insuperably difficult Germany's task of self-defense, dragged down as she

¹ Heiden, *op. cit.*, p. 352.

was by the dead weight of a corrupt Austria and an unorganized and backward Turkey and Bulgaria. But she has also been taught by uniquely clever propaganda that her final yielding in October and November of 1918 was not the recognition of superior force, a battle lost by heroes to heroes. According to the legend which Nazi propaganda has persuaded the nation to accept, the debacle of 1918 was a "stab in the back": Jews, Marxists, traitors, boring insidiously from within, pulled out the pins that held together her national structure; her fall was due to treason. The traitor, therefore (whoever assumed responsibility when Germany's governing classes abdicated), must be eliminated, root and branch. Germany is not an outcast among nations. She will assert her pure self, freed from the incubus which brought her low in October, 1918.

Indignation. National indignation, not entirely unfounded, is the driving force that brought Germans by the million to accept the mystic leadership of Hitler. To it has been added a vast miscellany of individual grievances which drive groups (indignant for a variety of contradictory reasons) into a storm of collective wrath. Because it cannot be completely rationalized, it is charged with immeasurable emotional force. The anguish of defeat grows into the distress of economic depression and impending bankruptcy. The nation closes its mind, becomes a horde, only waiting for an imperious gesture, or word of command. It blames all the circumstances which have preceded and accompanied its present suffering: it demands something new. It finds a scapegoat upon whom to heap all blame in the Weimar constitution, the ministers who held office, the Parliament which wrangled about and could not cure its ills. Against a proclaimed class warfare, unity must be had at all costs, even if that means the destruction of individual and group freedom. Parliament had been a place where factions frittered away the nation's strength—away with Parliament. Parties had formulated the ideas of groups the one against the other, and had been the very symbol of social disunity—away with parties. The Weimar constitution is the betrayal of national unity since it provides a theater for the play of divisive forces. Away with the Weimar constitution.

Mobilization. Mobilization of all spirits is one of the key words of the Nazi regime. The word *mobile* suggests movement, as against fixity or adherence to the familiar. It is more important that the word *mobilization* is definitely suggestive of militarism. All activities of citizens, male and female, old and young, are to be conscripted for service to the state; university students and candidates for state administrative service must spend six months in camps, laboring in the state's reafforesting works, while they receive a rigorous course of National Socialist indoctrination. Individual or group freedom is nothing, Germany calls for complete self-abnegation; she consists not of human beings as such, but of Germans serving the divine German state.

Youth. Why is so much said of Youth in the accounting for the Nazi movement? Inexperience is the explanation perhaps of Hitler's and Goebbels's extraordinary success in organizing a propaganda which could sweep a people off its feet. Young people by the million found themselves endowed with a vote, but without a job. Having little experience of other false promises which led astray, they were ready to try anything once. The Nazi program might be, under accurate analysis, a mass of inconsistencies. Yet each inexperienced group found what it wanted. Every other party and statesman had been given a chance and had failed to save Germany. Here was one who promised a cure for every ill and who had never failed in statesmanship—for want of a chance. Give him a chance: he may succeed.

Youth was also deeply impressed by Hitler's insistence on the iniquity of Germany's financial relation to the war victors. Reparation schemes that were successively imposed, even when they were designed, like the Dawes and the Young plans, to be mitigations of Germany's hard lot of tribute-payers for a war which every young German believed to have been forced by Russian aggression, seemed in the last degree unjust. For they placed an intolerable burden upon this and at least two future generations, which obviously were not even remotely responsible for the war.

Demagogy systematized. Demagogy is the homage of flattery paid to democracy by modern despotism. In this one matter

Hitler has developed a technique which is unique in history and in the present-day world. For ten years, with the skillful assistance of his right hand man, Dr. Joseph Goebbels, he has learned by experience and success how to use the modern agencies of publicity to secure a following and to win an appearance of popular consent among the millions. Political science is hardly likely to regard this process as government, properly so called; yet propaganda is a central feature of Hitler's technique. By radio and the press the masses can be told such aspects of the fact as the government thinks best to tell them. By suppression of a critical press, by licensing only uncritical public speakers, by pruning out the critics from universities and schools and other agencies of influencing opinion—a semblance of popular unity of thought can be achieved. The nation becomes one vast cheering section, emotionally responding to the suggestions of skilled cheer leaders. The people are not supplied with the materials for social thinking, but only with the occasions and materials for social enthusiasm. Crowd psychology is exploited. The technicians of demagogy have frankly admitted, in their more or less confidential utterances and in printed instructions for underlings in the propagandist campaign, the Machiavellian doctrine which permits deceit, suppression of the truth and misrepresentation, for the purpose of carrying a mass of listeners and surface readers to conclusions that shall not be "sicklied o'er with the pale cast of thought." The movement is frankly anti-intellectualist. And not only the movement, as it grew by winning adherents; also the maintenance of the party in power is made to depend on the same method. Not an appeal to reason, which must hear both sides, but an imposition, on passive but potentially enthusiastic followers, of the conclusions at which the divine *Führer* has arrived. The propaganda includes all manner of clever devices for trapping the intellectually unwary. The books of critics are publicly burned, as a sign that their idea-content is treason or heresy, from whose contamination the simple-minded must be preserved by an all-wise providence. What may be the ultimate cost to cultural Germany of this exiling of her thinkers, this suppression of the habit of free thought—the lover of the old familiar Germany contemplates with horror. Those who are now

governing Germany are content that she shall not think freely, but only as she is told to think by her appointed guardians.

Anti-Semitism. Anti-Semitism is a topic upon which we need spend little space here: its manifestations have been sensational enough to fill the headlines and front pages of the world's newspapers. Less than one per cent of the population, the Jews had achieved a prominence and success in business and banking, and in the professions of medicine, law and scholarship, such as evoked envy. The hatred of the millions could be excited to pogroms and systematic persecution. We need not labor the point that Jews had been not only successful intellectually but also loyal to Germany, their home; many thousands of them died in the war for Germany, of whom a considerable proportion were volunteers. We need not dwell upon the absurdities involved in the worship of Aryanism—as if that purely linguistic term had any racial significance. The fact remains that many a Gentile is now advanced to a position in professional life that he had not achieved in the presence of Jewish competition. The “foreign body” has been cut out; and with it to a large degree the very concept of freedom—for Gentiles as well.

The “racial” state. There is even some suggestion that the “racial state,” the body of men, women and children who belong to that mystic unity known as the German nation, is regarded as the new substitute for the “geographic state,” which governs all persons and things that occupy a defined territory, as this territorial state had in modern ages superseded the “dynastic state” of olden time.

“Sultan and Viziers.” “The NS political system . . . has not got beyond its feudal period yet; at most it might be called a Sultanate with semi-independent Viziers.”¹ One instance of this suggestive remark is the farm situation, in which the Sultan lets one Vizier (Darré, agricultural dictator) experiment and especially emit pronouncements, but is not in a position really to disturb the foundations of Junkerdom. Another is the more notorious matter of Jew-baiting. For all his anti-Semitic raging in *Mein Kampf*, it now appears that Hitler had no purpose of

¹ Heiden, *op. cit.*, p. 71.

driving out the Jews, was too realistic to hope that Germany could do without them. So long as they did not claim German state citizenship, and especially if they did not occupy posts of great economic power, Hitler was ready to suffer the Jews—not in peace, but as making the best of a bad situation. But in Rosenberg,¹ anti-Semitism is of the Baltic, White Russian sort: virulent, passionate, almost frenzied. To Goebbels, as the Propaganda Minister, Jew-baiting may have seemed the one field of action in which the victorious Nazis could at once achieve something that they had promised, and thus consolidate the party in popular favor for the long hard pull yet to come, of satisfying the public on economic problems and finding a solution of the impossible international situation. There is also Julius Streicher, school-master of Nuremberg. He has been a party member from the very beginning, was a close and bitter rival of Hitler's for leadership, and has always been a fanatic for Jew-baiting. The ups and downs of the practice of anti-Semitism, the futile boycott of April 1, 1933, and its serious international consequences, its suspension after one day, the "cold pogrom" that followed, the revival of persecution in the summer of 1935—these may suggest the fluctuating, infirm vacillations of the policy of a state whose Sultan cannot control his Viziers except by now and then purging them out, as in June, 1934, by a blood-bath that shocked the world, inside and outside of Germany.

A religious "revival." The Nazi revolution may have economic and political consequences, but it is designed to be chiefly and centrally moral; the *mores* of the German community must be transformed. There is an enthusiasm and a ruthlessness that reminds one of a religious revival. The new convert delights in mortification of his old self. The supposed evils, left by the French revolutionary ideal which had permeated west and south Germany in the early nineteenth century, must be extirpated. No liberalism in politics; no laissez-faire in economics; no rationalism or intellectualism in society. The soldier type is to be substituted for the high-brow type of Goethe's Germany.

¹ Editor of the party's organ, *Voelkischer Beobachter*, and regarded by Hitler as the party's chief expert on foreign relations.

Anti-intellectualism. In contrast with similar revolutions in other states and other times, Nazi Germany has no clear line of intellectual guidance for directing the construction of all things new. There is no document or book corresponding to the work of the Encyclopedists in the French revolution or of Marx in the Russian. The literary output of Hitler and his associates is full of contradictory ideas, uncritically or cynically advocated for winning adherents to a mass movement. There is a conscious rejection of intellectualism. The exigencies of day-to-day propaganda by newspaper and oration leave little opportunity for the hewing out of a consistent body of doctrine; hence it is scorned, is regarded as useless pedantry. Order, that prime need of Germans, had been destroyed in its old forms by the revolution of 1918-19: there is no reliable guide for its reconstruction. There must come instead a blind, almost proudly blind, *faith* in the leader and his intuitions.

Leadership. From Plato anciently, and from Georges Sorel more recently, the world has learned of the social potency of the *myth*. Nazi Germany is as one obsessed by two myths. One is the nation, of which enough has been said. Equally significant is the myth of the Leader. As Italy found her *Duce*, so Germany has thrown herself under the feet of her *Führer*. There is much potency in this suggestion, to a nation which has lived on the memory of Frederick the Great and of Bismarck, and has known little but distress in her search for a parliamentary successor. Little misleaders, as they say, have been leading little fragments astray. The nation demands one national leader. Hitler's propaganda has imposed his personality, as the actual creator of a following which has grown from six men to a horde of many millions. At least they vote as if they were following their leader. They look to him as the divine inventor and guarantor of the nation's happiness or at least of the cure for her unnumbered woes. Such considerations are obviously in the realm not of the rational but of the mystic. Scientific analysis is repelled by the spectacle, and must only record that nations in special difficulties, like individuals, give up the difficult effort to think socially and fall back on the primitive instincts that produce unreflecting action. Here is blind, unreasoning devotion to a

mystic potentate, who does not ask for persuaded agreement but for loyal obedience.

Totalitarianism. *Gleichschaltung* is another mythical word, a bit of white magic that is to work the wonders of the new life. Since *gleich* means equal and *schalten* means to order or regulate, the word has sometimes been translated *coördination*. There is a suggestion of the railway idea of shunting all the cars to the same track, and perhaps more literally though less familiarly the conception, taken from electrical engineering, of reduction to the same circuit. In any case, the political significance of *Gleichschaltung* is fairly clear, and it is closely similar to the Italian magic word *totalitarismo*. There is to be an end of the competition of social purposes, to which liberal institutions give encouragement. Parties and the freedom to differ and to thwart are all to be canceled out. Unity is to be achieved, at whatever cost. And there is no limit to the application of this ideal of unity. Education, art, religion, as well as economic production and state authority: all are included in the scheme, all must look to National Socialism as the formula that ends disunity and provides organization in place of social conflict. One may well wonder whether this is not an excessively large order, whether any political purpose can possibly deal so drastically with the obstacles that must be encountered, in social habit and familiar loyalty, in individualistic and group thinking and acting. There are ancient, quasi-nationalistic loyalties (e.g., to Prussia and Bavaria and the rest), there is Protestantism and Catholicism and free-thinking, there are class feelings (Junkedom, the middle class and the proletariat with its three-quarters of a century of training in Marxian class conflict). In Germany, more perhaps than in any other country in the world, such unanimity seems to be an impossible ideal, even if it were desirable; but the attainment of unanimity is the present purpose. This is what justifies these political engineers in calling their movement a revolution, a "mutation" which is to produce a new manner of life, as unique and significant to the world, they think, as the French Revolution of 1789.

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CHAPTER VII

SWITZERLAND

Laboratory of democracy and federalism. Switzerland derives its interest for our study not from dramatic history or intrinsic cultural importance in the small body of people concerned, but from the peculiar nature of the political institutions which have developed under their special conditions, topographic and social. Compared with most national states, her size is infinitesimal—some 16,000 square miles, which hardly equals one-third the area of an average American state. Nor is the population highly congested. Comprising some four million people, she is obviously a mere trifle among the important members of the family of nations. But Switzerland is important as a laboratory experiment in democracy; and in federalism as well. This little people has a tradition of over six hundred years of steady growth in self-government, never interrupted by revolutionary break. Furthermore, small though it is, this community generally regards itself as a group of states rather than a single state. Until very recently Swiss political life was solely the experience of Swiss cantons, beginning in 1291 with three, later four, eight, thirteen, now twenty-two in number; or rather twenty-five, if we have regard to the fact that three of the cantons have bisected themselves, giving to each of the six resulting "half-cantons" independent self-determination, as to its constitution and its whole political life. Each of the twenty-five, with its own peculiar flavor, has been intensely jealous to preserve its own liberty; all taken together, they have found coöperation difficult, while they have increasingly found it necessary. Only since 1848, indeed, has there been a national political life properly so called; and to this day Swiss citizens regard themselves as mainly concerned with the affairs of their respective cantons, such as Berne, Geneva, Ticino. Their confederation is deemed of some importance perhaps, but really only incidental.

Geography. The geographical situation first challenges attention. The whole Swiss community has grown up in the valleys among and at the foot of the Alps. Gigantic physical barriers with precipice and glacier, make the many little valley communities feel intensely their own internal cohesion and perhaps still more their separateness, the one from the other. On the other hand, the Alps lie at the crossing of two great lines of Europe's political force, an ancient east to west course of the migration of peoples, and perennial north to south efforts toward imperial union.

Lothaire's inheritance. When Charlemagne's empire showed its early tendency to break up, in the treaty of Verdun (843 A.D.), one of his grandsons inherited what Capetian kings soon consolidated as France, another took lands and peoples which only after many centuries came to a realization of its destiny as Germany. A third region in between was bequeathed to a third grandson (Lothaire), whose descendants never succeeded in founding a dynasty or heading a nation. This third group of peoples included the Italian fragments, the Low Countries (now Belgium and Holland) and that bone of contention whose name still reminds us of Lothaire, Elsass-Lothringen, or Alsace-Lorraine. Consolidation proved to be impossible. The fragments all remained under the shadowy domination of the Holy Roman Empire. But history resounds with the terrific contests among claimants of this fatal inheritance. Recent centuries of military history have made Alsace-Lorraine the proverbial problem, a type of border contest, repeated invasion and revenge.

Defensible. But what the Low Countries and Alsace-Lorraine lacked, the Alpine communities enjoyed and made the most of, a topographical situation that was defensible. Switzerland has defended herself at times by force of arms, and still maintains a system of military preparation that is the admiration of all anti-militarists, since it conscripts all man-power without favor or exception, but keeps its citizens away from normal life for exceedingly short periods of training, and limits professional soldiers to some three hundred instructors for the whole confederation. But during over a hundred years Switzerland has owed her safety rather more to the fact that her territory is recog-

nized as an area which must be kept immune from invasion, by the joint and several guaranty of the several neighbor states, in the interest of the peace of the whole European continent. Here is an island of peace among warring national states. The Swiss train themselves to defend that peace.

Neutralized. But of far greater importance, Europe has developed an institution of international law, called "neutralization," which to this day forbids Switzerland's assuming obligations, even under the League of Nations, to send troops abroad, or admit foreign troops to her soil; it puts the defense of her peace on a basis of law, the collective guaranty of her neighbors, as well as of force. There is profound significance, therefore, in the fact that it is a Swiss city (Geneva) which was chosen as the administrative capital of that organization which was designed in 1919 to enable the peace of the world to be organized, loyally and efficaciously, in order to be kept.

Divided in language. Switzerland is one of the most striking exceptions to generally recognized principles regarding what makes nationality. The population is deeply divided by race, language and religion. Over two-thirds speak German, and are intimate sharers in the various institutions of German culture, such as books, university study and the press. They have more cultural community with the South German areas of Bavaria, Württemberg and Baden than the South Germans have with the Prussians. On the other hand, about one-fifth of the Swiss, all found in the west, are as French in their speech, thought, and mode of life as are the neighboring southeastern regions of France. Furthermore Ticino, the southernmost canton of Switzerland, separated from the remainder by a mighty Alpine barrier, is by language and culture as Italian as any part of the near-by peninsula.

Religion. In the matter of religion likewise the Swiss are deeply divided, but not at all on the same territorial lines as in the case of language. Catholicism is devoutly observed by the peasants of the high Alpine valleys, almost universally. In fact, there is a Catholic majority in ten of the twenty-two cantons. But on the other hand it is from certain Swiss cities of the plain that Protestantism drew, in the persons of Calvin and Zwingli,

some of its greatest intellectual force and most potent organization.

United by social tradition. Even more important than language and religion, in the forming of nationality, is social tradition, both in the backward look of history and in the forward look of deliberate social purpose. The name of William Tell is a symbol of one of the most potent forces that enable Switzerland to cohere and endure. That name signifies the tradition of a local liberty for which men would bleed and die, or even risk a son's life; and especially would assassinate any tyrannical local representative of distant imperial authority. It is not without significance that Tell was a crack shot, able confidently to shoot the apple off his son's head and then with deadly aim to pierce the heart of Gessler. Accurate marksmanship is a widespread accomplishment; peaceful shooting matches are the one great national sport.

Liberty earned. But the minuteness of Swiss territory and the poverty in national resources, living as many of them do on barren mountain ranges where it is difficult to wring a living from the soil, have saved the Swiss from any temptation to militarist empire or intolerant oppression. Liberty is their passion; liberty of the individual and liberty for the community. There have been ecclesiastical sovereignties and trading oligarchies in the past, which, however, have now been eliminated. But the local duke or prince, the territorial dynasty, which Germans have traditionally regarded as the outstanding sign of community life, is inconceivable to the modern Swiss. Political life is the life of the people, not the sovereignty of a prince. Government was not given, or imposed; it is the hard task of a local community, which has learned to master its own problems by coöperation, as a stern religious duty.

Early confederation. The authentic history of the Swiss federation can be traced to a precise date, 1291 A.D. As members of the vast, vague Holy Roman Empire, three tiny peasant communities on the mountainous shores of the Lake of Lucerne made a solemn contract, planning the combination of their efforts to defend local liberty against the tyranny exercised or allowed by the Hapsburgs of Vienna. Not long afterwards the city of

Lucerne joined them, and we have the "four forest cantons" from which Lake Lucerne derives its name of *Vier-Wald-Staetter-See*. This administrative arrangement was a necessity of local defense; it made no pretension to the character of a state. It was as if three or four up-state counties of an American state made a contract of binding character, to defend in common their county autonomy against a rapacious or incompetent pro-consul who was exploiting them as the representative of a distant metropolis. As the experiment succeeded and the centuries passed, other "cantons" were added, of very various character, some peasant communities, others cities. They entered usually by their own will, but in some few instances by a pressure that was more like what we should now call conquest.

Coöperative self-defense. A loose League of Cantons proud of their state autonomy, they had almost no central government; nothing but a quasi-diplomatic assembly called their Diet. Diverse in language and religion and culture, they had one cohesive force alone, their will to defend themselves by coöperation—an ancient "league of nations." As long ago as 1648 this league was recognized as an autonomous entity, an independent European state that was not to be dictated to by the all-comprehensive Holy Roman Empire. International law was also beginning to come to light, including among its institutions a practice of neutralization. The confederation of Swiss states, Europe recognized, must be collectively guaranteed against invasion. This was by way of keeping the peace among her warlike neighbors. Individual Swiss subjects used to contract to serve foreign sovereigns as mercenary soldiers (no longer, since a law of 1859), but the Swiss community, their cantons and their confederation, must abstain, as was their ancient wont, from participating in international intrigue, imperialism, or war. Here was No Man's (or Every Man's) Land, with a special meaning; a refuge for political fugitives of all countries and a haven of peace in a warring world.

French intervention. The epoch-making events between 1789 and 1815 had a notable effect in these Alpine valleys "above the battle." From revolutionary France spread the notion of a *national* entity, the French pursuing their revolutionary mis-

sion, which was supposed to be the establishment of nationalism among all peoples, whether or not they were conscious of a nationality. To the French mind, if there were Swiss there must be a Swiss nation; if a Swiss nation, there must be not independent cantons but a Swiss national government. Under pressure of French arms, during a short period Switzerland found imposed upon her a national governmental system, a "Helvetic Republic" on the French revolutionary model. Later came the Napoleonic phase of French interference, which was less doctrinaire, but no more agreeable; for it signified a logically devised but too regimented unification for administrative efficiency. After Waterloo, in Metternich's complete restoration of European monarchies according to the principle of legitimism, the old scheme (defiant of French system) was restored in Switzerland as well. Loosely allied cantons again took the place of the unwelcome Swiss republic. But the next few decades saw a new economic and social development which was characteristic of the nineteenth century. In one sense it was democratic, but it had even stronger unifying nationalizing effects than the doctrinaire democracy that the French Revolution had produced. Railroads, schools, press, the spread of science, brought a realization of the national unity and selfhood of Switzerland, which could no longer be resisted.

Sonderbund. Curiously, the last blow at the old system was dealt by way of reaction against an extreme manifestation of the decaying principle of cantonal separatism. Seven Catholic but culturally retarded mountain cantons, fearing an obviously growing encroachment by the national, "liberal" spirit upon their special institutions of priest-controlled education, combined themselves into a "special league" or *Sonderbund*. This reminds the historical student of the method whereby the Swiss idea of confederation for a local purpose had originated back in 1291. But, whereas the ancient empire had been already tending toward dissolution, and the mountaineers could not be prevented from uniting for secession—in 1847 the very stars in their courses were fighting for national unification. The Confederation authorities demanded that the seven Catholic cantons abandon their anti-national *Sonderbund* because of its disintegrating

tendency, and when obedience was obstinately refused dissolution was compelled by a show of national force. "Federal Execution," as a characteristic procedure of the thrifty Swiss, did not require bloodshed. The confederation's troops, mobilized and quartered upon the rebellious *Sonderbund* cantons, literally ate their enemies into submission.

National constitution. The net result of the quasi-secession and its failure was the framing in the year 1848 of a new, at least partly national constitution. The degree of centralization was still relatively slight, but it was a remarkable departure from the Swiss tradition. The change had been compelled by the circumstances of nineteenth century life, to which the practical Swiss yielded when they must. The American example of a constitution of federalism was utilized, but our system was not imitated in any doctrinaire spirit, or in large degree. The new Swiss constitution provided a central government with just so many powers as were needed to meet the necessities of that day, and no more. There was a general constitutional revision in 1874, which took account still further of the social necessities of integration; and even more progress has been subsequently made by individual amendments to the constitution of 1874. The ancient loose confederation of cantons has become in some measure a nation. This nation is intensely loyal to its own self and to its characteristic ideals, as fortified by a continuous tradition of nearly six and a half centuries. The cantons still jealously guard their autonomy on principle, though practical necessities, especially the social pressures occasioned by steam and electricity and the press, have changed old ideas of neighborhood control and of who is my neighbor, have transferred to the confederation many powers formerly retained by the cantons. But there is much spiritual significance in the fact that the Swiss still officially call themselves a confederation, not a republic.

Thriftiness. It may be added at this point that thriftiness, which has become almost the favorite European continental joke on the Swiss, has far-reaching effects upon modern political manners. Thrift suggests the paying of salaries to governmental officers on a most niggardly scale. Members of Parliament receive 40 Swiss francs a day, but a more significant sample is that

the seven members of the national executive receive an annual salary which amounts to only about ten thousand dollars each. Government, not a distant and mysterious sovereign entity, but a realistically viewed public business that is directly under the watchful eye of the parsimonious taxpayer, is not allowed to suppose that it exists for its own sake. There is no politician class living at the public expense, or body of bureaucrats flaunting the privileges and pride of Jack-in-Office.

Doctrinairism excluded. Thrift has also produced an intensely practical rather than doctrinaire view of the distribution of governmental powers as between cantons and confederation, and also as regards the relation of government as a whole to the individual and to social economy. Government costs money, but anarchy or even inconvenience to society may cost more money. Without a purpose of establishing socialism, and wholly apart from the efforts of the Socialist party, the Swiss confederation has spent the last fifty years soberly, advisedly, experimentally adopting institutions which, as viewed in the large, constitute a considerable measure of collectivist control of private affairs. Each step in this socializing process has been taken for the very practical reason that there was good prospect that it would pay. Experience had demonstrated this probability of profitableness, and a group of technicians was available which could be trusted to perform these proposed new functions in the public interest and to the public profit. This is true not only with regard to such familiar matters as the postal service; it extends to the telegraph, telephone, and railway and local transportation. It has led on to the establishment of government monopolies in certain lines of business, and advanced measures of social insurance.

Coöperation of confederation with cantons. In the third place, thrift suggests that after governmental powers have been divided and distributed to confederation and canton, these powers may be exercised in coöperative conjunction, rather than in competitive exclusiveness. As a new confederation function is added, it is not usually provided with an administrative mechanism of its own. Instead of that, the cantonal agencies receive a special delegation of authority to administer, for the confederation, this new function in addition to those functions which the

cantons already possess. The confederation supervises and coordinates, but it confidently entrusts the direct performance of the confederation's function to the canton. The net result is economy of administrative agencies and the diminution or elimination of friction.

The constitution, as framed in 1848 and largely revised in 1874, is a document which was framed on the model of the American constitution. There is a far-reaching guaranty both of the rights of cantons (that is a matter of course, considering Swiss history) and of what are currently regarded as the "rights" of the individual and of the group. This document is long and goes into minute particulars with regard not only to the functions of government but to the rights of the governed.

Constitutional amendment. The amendment process is so elaborate as to suggest, what is indeed the fact, that the written constitution is only a central core of the actual living law of governmental life, which is constantly undergoing change. It is neither a mere set of boundaries between government and people, nor a mechanical balance among governmental agencies. Most amendments are initiated and intimately debated in Parliament, under the leadership of the executive. There is provision, however, for the initiation of amendments by cantons, and also by groups of individuals who sign a petition. Fifty thousand signatures, wherever gathered, may compel formal consideration by the voters of an amendment even though Parliament may have rejected it. Whether initiated by this method or by Parliament (and both methods have been largely used) the amendment proposal must go to the people at the polls. The voters participate far more largely than in the American state, but in the votes they cast they show the natural consequence of the difference between the presumptive value of amendments that have been concerted by trusted representatives on the one hand, and on the other hand the crotchets of cranks who are able to assemble their fifty thousand signatures. Very few amendments originating by petition are ever passed for adoption, whereas the amendments originating in Parliament have been many and are mostly found acceptable to the voters.

Veto power of small cantons. The vote when gathered is counted, both with respect to the voters as one body in the confederation as a whole, and with respect to the individual cantons. An amendment must have received a popular majority in the confederation as a whole, and must also show a majority of cantons, i.e., at least a fraction over a half ($11\frac{1}{2}$) of the 19 cantons and 6 half-cantons. This obviously gives an advantage to the ancient mountain communities which still retain their cantonal existence, although of minute population. Indeed the cantons are so various in size that the smallest one is only one-twenty-fourth as large as the greatest, and the average of the five largest is seven times as populous as the average of the seven smallest. As a result of this federal system, a proposition is not carried merely by the acceptance of even a large majority of the voters, if this majority should chance to be concentrated in a small number of populous cantons. In vetoing constitutional change, then, it is still the canton that counts, and heavily, as in our own amendment process, in which Delaware or Nevada is equal to New York.

CANTONS

Small size. Historically, and in accordance with Swiss logic, the cantons must be considered before the confederation. Proportionally they suggest the analogy of American states, but it must be remembered that most of the cantons are mere trifles in size and wealth and population, rather like our twenty-five most important counties in this respect, although again, for fairness of comparison, we should have to omit New York County and Cook County, Illinois, either of which is more comparable in population (but infinitely superior in wealth!) to the Swiss confederation as a whole.

Citizenship. Citizenship is not, as in America, a matter of national definition or control. It is not even cantonal. It is the local commune (*Gemeinde*, or township) which grants citizenship. From possession of the local citizenship one acquires cantonal and thus national citizenship.

Written constitution. The constitution of the canton is a written document, mostly the result of experience in the nine-

teenth century, nineteen of these documents bearing dates subsequent to 1875; and the twentieth century has brought a multitude of amendments, by initiation of petition-signers as well as of cantonal assemblies. The national constitution requires that the cantonal constitutions shall provide for a republican form of government, and that constitutional amendments shall be subject to popular referendum. The cantonal constitutions were notably diverse in the centuries that preceded the French revolutionary intervention, but since 1815 there has been a constant tendency for mutual imitation; and they are gradually approaching a uniform system. One canton observes the success or failure of a governmental device or practice among its neighbors. A practical idea spreads toward universal acceptance; and this without regard to French, German or Italian origin. It is notable that the invention of proportional representation was made in the one Italian canton of Ticino, where very special difficulties were encountered in the working of representative government of the familiar sort. It was then imitated in Geneva (French) and has since been adopted in practically all of the cantons, and even in the government of the confederation as a whole.

Landsgemeinde. One of the most famous institutions in Switzerland is the *Landsgemeinde*. This is a combination, as its German name suggests, of state and village community. It has survived to the present day in only five of the cantons, and these are generally speaking the most sparsely populated. There had long been six, but in 1928 it was abandoned by Uri, the canton of William Tell, one of the original three which had formed their federation in 1291. The *Landsgemeinde* is to all intents and purposes a state which governs itself by the primitive method of the New England town-meeting. On a Sunday in spring (and other occasions if necessary) the whole voting population (male) gathers in one place, a town square or country meadow that has been hallowed by ancient associations. Here the affairs of the canton are discussed and settled. Executive officers are elected, proposals of law and even constitutional amendments are debated and voted; not secretly, but every man announcing his vote under the scrutiny of his neighbors, which may involve the

pressure exerted by his priest and his employer. An executive committee (like the New England Selectmen) presents the report of its work during the past year for solemn review, and makes proposals of a few laws for enactment, including of course the budget, all of which business is submitted to popular acceptance. Their names, and eventually those of other competitors, are submitted to popular vote; but in almost all cases this means re-election; for there is a strong tradition among this practical people that a public servant who has been found worthy should be continued in office as of course. Indeed the chief executive officer, called *Landamman*, may have been prepared for that function by previous education and probationary experience as the selected member of a leading family which always provides such public service. He is annually subject to recall by popular vote, but normally is continued in office with permanence. There is no salary to tempt into office men of self-seeking motive. There is a wide-spread practice of compulsory public service, which is legally as well as morally required to be rendered by the person elected. A person who is capable must render the service which his neighbors impose upon him; "a heavy tax on brains," it has been called.

Cantonal "town meeting." Naturally this type of cantonal government is impossible to operate when public affairs become technically involved, or when there arise sharp divergences in public opinion. It only remains in use among the cantons of simplest, most primitive social organization, requiring almost no new legislation; the Socialists deride the whole business as a useless anachronism. Debate by a canton's population is evidently possible only where that population is so small and so homogeneous that all can meet in one meadow or village square, hear each other, and think socially together. Supposed to be of priceless value in training a people for self-government, this institution is maintained in existence largely through the operative force of strong tradition, of undisturbed unity. A solemn oath of office by elected persons is supplemented by an equally solemn oath of fidelity by the citizens present. The singing of the national anthem, the wearing of "Sunday best clothes," the bearing of personal swords and of ancient symbols on sacred

banners—these may suggest the methods by which the boys looking on are awed by tradition and prepared for taking their part when the time comes.

Representative government in most cantons. In all the cantons except five the transition has been made to representative institutions, in many instances long ago. An executive council is elected; but also, in place of an annual assembly of citizens (no longer practicable), a legislature of one chamber is elected for one or two years. This body, under the leadership of the executive council, performs the normal functions of a representative body, controlling the executive, raising and spending taxes, debating and adopting statutes and constitutional amendments. Here again there is a strong tradition of permanence in office, and for the same reasons as in the *Landsgemeinde* cantons. With limitations for practical administrative necessity (such for example as the budget) all the work of such representative bodies is subject to popular referendum in practically all cantons; in many it is obligatory, not requiring a signed petition to challenge the action of the assembly. In contrast with the early American expectations regarding the referendum (when Oregon, for example, adopted it in 1902 as an agency of radical democracy), the Swiss operate it almost solely as an instrument of conservatism. Their supposition is that elected persons, away from home, may be carried off their feet and persuaded to adopt radically innovating measures. The people back home retain the right to veto such measures of their incautious representatives, and they frequently use this veto power with deadly effect. Nevertheless for general purposes the people retain their accustomed trust in their agents, and it is the consensus of expert opinion that this system does not seriously diminish the sense of responsibility weighing upon the representatives.

Initiative. Somewhat less practical and more doctrinaire than the referendum with which it is usually associated, the initiative was introduced during the nineteenth century in most cantons. This institution provides that a suitable proportion (say five per cent) of the voters may by signing a petition bring a proposal, over the head of the legislature, to the voters for adoption. Relatively sparing use has been made of this institution, because, it

may be supposed, of the highly intimate character of the relationship actually maintained between representatives and their constituents, which makes unnecessary this added spur to action, capable of being brought to bear upon the representative councils.

The executive board. The executive is always multiple, a board rather than one man. These persons are expected to combine and compromise their ideas and then give a lead to the representative body, in the preparation of budgetary and legislative proposals. They enjoy its confidence in high degree. They are as indispensable to its functioning as they are answerable to its final decision. They may well contain men of several parties, roughly in proportion to the strength of the parties; and they remain in office, as trusted leaders, even though individual measures proposed are not accepted by the representative body which they lead; just as the voters retain their representatives in office, though now and then by referendum rejecting an individual proposal of law that they have made.

CONFEDERATION

Council of States. Turning to the government of the confederation, attention will first be given to the representative body, which is of two chambers. The upper house is called the Council of States. There are forty-four members, two from each canton. As three of the cantons have been divided into half-cantons, each half-canton elects its one member independently. Each canton (or half-canton) makes its own determination as to the method of election and even as to the pay, and the length of the delegate's term, which may be one, two, three, or four years. This circumstance at once suggests that this Council is not a homogeneous upper house but rather a quasi-diplomatic congress whose members are subject to the control of the cantonal governments as such. It is a characteristic manifestation of the federal idea, with chief emphasis upon the separateness of the cantons, which, though federated, proudly insist upon their individuality. Here is where the small canton (perhaps weak and backward) maintains its individual voice, with the possibility in rare cases of using that voice in a veto on the will of the Swiss

nation as a whole. But in actual influence and prestige the Council of States is not strong. It has no special powers that are not shared by the other house. It is not a Senate of personally eminent men. It represents no special class such as we have seen in the preponderance of landowners in the English House of Lords. Indeed, this upper house is relatively unimportant; its disappearance would have little effect upon the operation of the Swiss system as a whole. It remains as a symbol of the federal quality of Switzerland, historically a league rather than a nation.

National Council. Side by side with the Council of States, combining with it to form the National Assembly for election of the federal executive and judiciary and for exercise of the power of pardon, is the National Council. Like the American House of Representatives created in 1789, this body was added in 1848 to stand for the newly realized unity of the Swiss nation, not Swiss cantons but the Swiss people as such. Its 187 members are elected by the Swiss voters rather than by cantonal legislatures. They have a uniform term of four years. The numbers vary with the population of the cantons, from one (Uri) to thirty-one (Berne); every canton has one member, but that does not signify any serious disproportion among the elements of the Swiss population. Suffrage is universal male suffrage. After three trials, a proposal for proportional representation was adopted in 1919. It is operated, not by the Transferable Vote, but by the competition of party lists, more usual on the continent of Europe.¹ In this instance the individual voter exercises a considerable influence, distinguishing among individual candidates according to his personal preference, uncontrolled by the party managers.

Members of the National Council. Members are elected on the basis of party allegiance, but that does not signify that there is anything that could be called "party government," as that term is generally understood. Indeed, members from one canton all sit together in the National Council, though they may be of widely divergent attitude in their politics. Swiss practicality

¹ McBain and Rogers, *New Constitutions of Europe*, pp. 109-113.

and political sobriety is again evidenced in a high degree of permanence allowed to persons in elective office. Members may probably continue to be reëlected for a long period of public service. The Council utilizes committees for examining projects for legislation. Its debate is prosy, matter-of-fact, devoid of political passion. They carry on national government not as a matter of exciting sport or entertainment; they are attending to the serious business of legislation and administration; public money must be raised and spent with the utmost regard for efficiency, or they will hear from the voters at the next election.

The Federal Council. By far the most important element of the Swiss legislature is the Executive, paradoxical as that assertion may seem. This dual function is performed by a body of seven men, called the Federal Council. They are elected for a term of four years. It has often been suggested that they should be elected by the people at the polls; but the principle of parliamentary control, rather than of "separation of powers," makes it natural that they should be elected by, as they are responsible to, Parliament. This operation is performed by a joint assembly of the two houses. Every year one of the seven is elected president. But it would be an utter misconception to call this person president of Switzerland. He is chairman of the board, and that is all. The seven colleagues consult and make all determinations in common. By a practice which, though not law, is generally observed as normal, these seven men are reëlected term after term, as long as strength and willingness last. By valued experience in the National Assembly, especially in the National Council, a man approves himself as desirable for membership in the small group of undoubted leaders. At the next vacancy in the Federal Council, the result of a death or a retirement, he is elected for the term of seven years. By the seventh year his seniority is recognized by his election to the chairmanship, called presidency, but that dignity lasts for only one year. Upon displacement by his successor he again becomes junior in rank. Only after a lapse of six years, but then according to fair expectation, he is again elected president.

One-man dominance excluded. These seven men become heads of seven executive departments, among which is distributed

all the administrative work of the confederation. Any matter of large significance is subject to debate and determination by the seven members acting collectively, but routine matters are settled by that department head to whom for the time the matter has been assigned. Naturally some men develop special interest and capacity in special topics, and this circumstance may affect the assignment of departments to individual federal councilors. But the fundamental fact is that it is the group which is dealing with all executive functions, all taken together as one whole. There is never any one dominating personality, no contest of leader against leader, no shifting of coalitions, no Leader of the Opposition who hopes ultimately to oust a prime minister and take his place. These seven leaders, though of various parties, are always working together.

Executive leadership in Parliament. Provided with the special knowledge that comes from their administration of public affairs, the seven federal councilors find one of their chief functions to be the leadership of Parliament. They are criticized freely on the floors of the two houses, but they are also regularly deferred to as trusted leaders. They prepare the budget, and also the legislation which their administrative experience or their political foresight suggest to them as necessary. If a legislative project is initiated on the floor of either house, it is almost invariably referred to the Federal Council for their official consideration and advice before serious consideration by Parliament is thought to be justified.

Party coöperation. By old tradition, the Federal Council is not a partisan body, or rather it is always a multiple-party body, no one party dominating. It usually contains members of several parties, roughly in proportion to the strength of those parties in the Council of States and the National Council. The accuracy of this proportion, however, is always subordinated to other considerations, especially the dominant factor of personal experience and reliability. 'Such experience is not administrative solely, but rather these councilors' nice judgment and recognized capacity for statesmanship, in the human factors of leadership, coöperativeness, and sound wisdom. There is always a considerable time-lag in the representative quality of the federal

councilors; it takes years for a new party, however strong, to win its numerical share among the seven.

Executive leads, but yields to Parliament. An especially delicate point in the relation between the Federal Council and the National Council comes to light when the principle of leadership fails to secure its normal result in detail. The Federal Council, we will suppose, sponsors a measure of whose utility the National Council, with all due respect and inclination to follow, is not convinced. Or the National Council, departing from the contrary advice of its usual leaders, insists upon a measure of which the Federal Council disapproves. After the matter has been thoroughly threshed out, the final determination rests with the National Council; the representative body has its way. Yet the Federal Council, without loss of dignity, remains in office and does its best to carry out the will of the nation's representatives. The architect, as it were, advises the client against including a certain window, foreseeing ugliness in the artistic effect; the client, valuing the architect's technique, yet takes the responsibility and accepts the ugliness in order to get the convenience of the window upon which he insists; client and architect remain on good terms, of continued mutual confidence. Nevertheless, when all is said and done, we must realize that such a conflict is exceedingly rare. For the vast majority of governmental business the relation is more like that of directors and stockholders or of managing staff and directors, the stockholders being the voting people. The proposals of the Federal Council are rarely seriously amended or rejected by the houses.

Opposition within Federal Council. Much has been said of the unity of the Federal Council, and yet it has been mentioned that it never happens that the seven are all members of one party; there are almost always men of two or three sharply opposed parties. In notable contrast with the English Cabinet practice, a federal councilor is expected to maintain an attitude of critical independence or even opposition to his colleagues, may even display that attitude in debate on the floor of the National Council. This breach of unity on a point of policy or legislation is not regarded as breaking or even impairing the value of the Council as an instrument, both for administration in

detail and for statesmanlike guidance in general. An English politician would be inclined to conclude that the Swiss was not taking his party politics seriously. The Swiss would reply that he was taking party politics far more seriously than the Englishman, was more soberly realistic, was regarding politics *not* as a game, where team loyalties curb personal ambitions and suppress personal judgment and conscience. To the Swiss, there is nothing vitally important in the rise and fall of parties, as regards administrative power; he is engaged in an unmitigatedly serious contemplation of political affairs and effort to conduct them, utilizing parties as instruments for the development of political opinion, but not allowing parties to become ends in themselves, not pretending that parties should be allowed, in and of themselves as corporate entities, actually to govern.

Conservative parties. Not very much remains to be said regarding parties or a party system. The question, cantonal federalism *versus* nationalism, having been settled in 1848, parties have divided rather upon matters of detail in the execution of that great decision. There has never been a "swing of the pendulum." It might even be said that one party remained consistently dominant or at least preponderant during the whole period from 1848 to 1919, the so-called Radicals, or Independent Democrats who, however, have always been moderate in temper, far from the character that the name "Radicals" might seem to suggest. There have arisen, it is true, groups of dissent or criticism; but they have not been more than groups of dissent and criticism. After the loss of the *Sonderbund* War of 1847, the Catholics as a group remained, and remain to this day, entrenched in a very few cantons, mountainous of topography, small in population and backward in culture. The number of their members in the Council of States assures them always of one member in the Federal Council, the chance of experienced personnel may give them two. Another party of conservative criticism, the Liberal Democrat, early developed by secession from the all-inclusive governing party; it is non-Catholic, but takes much the same attitude as the Catholics in opposition to the pervasive development of nationalism. Their opposition is more characteristically that of men of property who are resisting

the encroachments of modern tax demands and administrative controls. But, like the Catholics, they want little or no change in what has come down from the distant past. They have dwindled down to exceedingly small numbers.

New parties. Of greater importance is a new opposition of later development, which tends to challenge the traditional dominance of the Radicals. This is the Socialist party which has developed within the most recent decades, especially in the industrial population of the northern plain. This party takes the usual Marxian color, and makes the usual Marxian demands, but with a Swiss difference, that is to say, a cautious moderation. The Socialists have very recently captured a majority, not only in the Councils of the great cities of Zurich and Lausanne, but in the cantonal assembly of Geneva.

Partly under the stimulus of the Socialists' onset, two other secessions have recently still further diminished the numerical strength of the Radicals: the Social Politicals, who demand more advanced social legislation, to compete with the Socialist party in an appeal to the workers; and the Farmers', Workers' and Middle Class party, who are more conservative, demanding tariff advantages for the agrarian interests, and more energetic measures of national defense.

The result of these secessions and new party creations is that there is no longer a single dominant party, commanding a working majority. The parties, as they stood in the most recent record (1934), were as follows:¹

<i>Council of States</i>		<i>National Council</i>
18	Radical, or Independent-Democratic	52
1	Social Democratic	49
19	Catholic Conservative	44
3	Farmers, Workers, Middle Class	30
2	Liberal Democratic	6
	Communist	3
1	Social Political	2
	Other	1
<hr/> 44		<hr/> 187

¹ Buell, R. L., *Democratic Governments of Europe*, p. 578.

Proportional representation. This alteration of the party picture is usually ascribed to proportional representation, which went into effect in 1919. The Radicals had long struggled to prevent this change, but in vain. The Middle Class party and the Socialists have both profited greatly by the new system of representation, and have turned the Radicals into a mere leading minority, instead of a heavy majority, as was usual before 1919. But another, equally notable effect of proportional representation is the steadying of party representation. Not only is there no swing of the pendulum; there is hardly any change at all in party representation, from election to election, during all the fifteen years since the new system came into use. It remains true that government in Switzerland is not by a party, nor are stages of political progress marked by the rise and decline of parties. As men of diverse language and religion, so also men of diverse party, do somehow contrive to pool their ideas in a common stock, and soberly, temperately, tolerantly, come to a common understanding and coöperation in their country's government.

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CHAPTER VIII

DEMOCRATIC MONARCHIES: SWEDEN

Among the states of Europe there is one group which receive little attention because they are obviously of minor importance in wealth and power. Yet they deserve at least summary characterization because of their importance to the advance of modern civilization: they are both efficient and free. Of these states Sweden will be taken as a typical sample. Each of the other members of the group has special qualities that are of political interest, but reasons of space confine us to a mere mention of them.

Netherlands. (1) There is the Kingdom of the Netherlands, which began life in the sixteenth century by republican rebellion against the world-wide Spanish empire, and for several decades played an important role among the leaders in world politics. She later evolved into a constitutional monarchy, but declined to secondary importance. Yet she still retains a notable colonial empire.

Belgium. (2) There is also her close neighbor Belgium, far less homogeneous than the Dutch lowlands; for here are Flemings (Teutonic like the Dutch), associated with Walloons, whose speech and culture are hardly to be distinguished from that of France. This somewhat artificial creation of the diplomatic art (the Belgian state) dates only from the early nineteenth century and was the fruit of Europe's effort at Vienna (1814) to curb the ambition of revolutionary and Napoleonic France by combining the Belgians and Dutch in one strong Netherlands under the sovereignty of the Dutch king. But the Flemish and Walloon Netherlanders thus forced under Dutch control were deeply discontented. They revolted in 1830, and the Great Powers and Holland, in mutual jealousy, were constrained to recognize the independence of the Belgian state. In the interest of the peace of Europe they set up the status of

"neutralization"; that is, they forbade her to conduct any foreign policy that might involve her in external warfare. By way of compensation they guaranteed her immunity from invasion, since geographical position made her territory anciently the "cockpit of Europe," strategically desirable to an extraordinary degree. Under the wise guidance of her newly chosen King Leopold, Queen Victoria's uncle and adviser, the artificially created Belgium immediately developed constitutional life after the English manner. Germany's violation of Belgian neutrality in 1914, followed by the latter's heroic resistance, attracted the favorable attention of the victorious Allies, so that in the peace of 1919 Belgium was given special consideration, and was even relieved of that neutralization which had been imposed upon her at birth.

Denmark and Norway. There are also (3) Denmark and (4) Norway, Scandinavian states which have played an honorable part in modern civilization at its highest. In Brandes and Ibsen they have produced two of Europe's leading modern thinkers. As regards social institutions, furthermore, these countries have provided some of Europe's most bold and fruitful experimentation, for example in consumers' and producers' coöperation, in realistic grappling with the problem of traffic in intoxicants, in free-handed unprejudiced dealing with the problems of illegitimacy, unemployment, poverty, and crime.

Sweden representative of democratic monarchy. Sweden has been selected for somewhat more extended treatment as a sample of this state-type, not only because of her greater size and wealth in natural resources, nor because she was once (1632) pushed by the military genius of her king Gustavus Adolphus to a position of dominance over central Europe, then torn to shreds by the Thirty Years' War, but because, notwithstanding some exceptional circumstances, she is on the whole the most representative example of this type, the democratic monarchy.

The state of Sweden looks back upon a long and notable history. The people are largely similar to the Danish and Norwegian sisters in the Scandinavian family, yet they are somewhat individualized in language and organization. The population of Sweden, and in some measure its economic and social

make-up as well, provide an ideal environment for the operation of democratic self-government. The population is ethnically homogeneous to the highest degree. Among six millions of Swedes there are some 30,000 Finns, and 7000 Lapps, and that is all. There has been no serious problem of immigration. The population problem is rather one of emigration, the loss to the United States of many tens of thousands of her most promising subjects, human material that she could ill afford to lose. They were not excluded but lost to her, drawn away by the individual enterprise of men who were willing to leave the ancestral home in order to find better economic opportunity, to found Swedish homes and communities under the Stars and Stripes.

Free land-ownership. In the presence of a vast reserve of forest and field, the population has enjoyed the benefits of free land-ownership. There are abundant supplies of minerals, especially of iron; there are vast potentialities of water-power, many of them already exploited; and on this basis there has grown up a very considerable industry; yet this is only a diversification in detail of the basic picture, which is of a small-scale land-owning agricultural yeomanry.

Constitutional documents. The constitution of Sweden may be said to have a documentary core, though as usual much of the constitution's material exists in the more flexible form of authoritative custom. The principal document is the constitution of 1809, which purports to be a contract between king and nation, but was actually forced upon the king; for Charles XIII was allowed to ascend the throne, like William and Mary of England in 1689, only on condition of his accepting the new political system. In this document is found the ancient Swedish tradition of a balance of governmental powers, fortified by the doctrinaire literary tradition of Montesquieu, all consecrated in a solemn formulation. There had previously been periods in which the Riksdag, representing four "estates," was absolute master; and much more frequent periods of royal absolutism. From now on the King and the Riksdag were required to share and coöperate in the exercise of power.

Of considerable importance are two other documents of almost the same date: the Law of Royal Succession (1810), and

the Law of the Liberty of the Press (1812). The parliamentary arrangements were thoroughly revised in 1866, reducing the representation of the four estates to a bi-cameral Parliament. There resulted what may almost be regarded as a new constitution; and the main outlines of this arrangement have been still further retouched in 1909 and 1933. The constitution may only be amended by a resolution twice passed by the Riksdag, and the two votings must be separated by an election of the entire lower house. But when all is said and done, it is not in constitutional documents, nor even in parliamentary statutes, but rather in the silent, eternally stable but gradually shifting processes of usage that we find the most important constitutional development as the nineteenth and twentieth centuries have progressed. With the rise of political parties, with their solidification under recognized leadership, with a growing unity of ministerial structure, the mastery of the king has gradually, in the course of the last hundred years, been given up, yielding to what may be called the rule of the people's representatives, not "parliamentary" as that word is generally used, not quite "congressional" as Americans understand that term, but something rather that is Swedish—and yet not unique, but typical.

Kingship. Sweden's kingship was for many centuries the prerogative of a powerful dynasty, the Vasa, who in the sixteenth century led their countrymen in revolt out of the Roman church to found their own (Lutheran) state church. Confiscating ecclesiastical lands after the manner of the Tudors in England, they became supreme heads of the Church, and thus in a peculiarly potent fashion conquered wealth for the royal power. This dynasty provided a notable series of energetic sovereigns. There were ups and down, now of monarchical, now of parliamentary absolutism, which remind one of the vicissitudes of the English monarchy as Plantagenets were succeeded by Lancastrians and Yorkists, Tudors, and Stuarts. But on the whole the tradition came to be firmly established that the king not only symbolizes the nation's unity, but is one of the most potent personages and instrumentalities in its service. This tradition remains to this day, though the Vasa dynasty was supplanted in 1818 by the Napoleonic marshal Bernadotte (Charles XIV) and his descend-

ants; and though the aristocratic and popular elements of the four estates have joined forces to produce a representative Parliament which gives voice to public opinion and exercises a large measure of control over administration. The nation now rules itself, but in so doing it leans heavily upon its king, who provides steadiness and continuity, and (in modern times) shows no tendency whatsoever to develop a policy personal to himself, absolutistic or dynastic or opposed to the national interest. All the world is familiar with Sunday supplement pictures of the 76-year-old Gustav V as he plays tennis or confers Nobel prizes. But the Swedes know him also, and his frequent substitute the crown prince, as the wise counselor of bureaucratic or parliamentary premiers, whether they be Conservative or Liberal or, as is more and more frequently the case in the last fifteen years, Social Democratic. Manifestly Gustav's position is less independently strong than that of his immediate predecessor, Oscar II (1872-1907). He no longer receives the advice of his ministers in order to come to a royal decision; rather the national Ministry comes to decision, as a result of the various types of counsel contributed by its members, always including with due deference the advice of the king himself. The king's advice has especially great weight in regard to foreign affairs, but it will be found to count in domestic affairs as well, with a varying coefficient, according to the nature of the matter in hand. What the ministerial council thus agrees upon is then proclaimed in the king's name.

Riksdag. Until 1866 the representative body, called Riksdag, had a unique form: there were four estates, each of which sat by itself; nobility, clergy, burghers, and peasants. This quadricameral Estates-General was supplanted in 1866 by a parliament of the familiar two-chambered variety. But, under American influence, these bodies were designed to be of equal weight. While Sweden has far more of social stratification than her near neighbor Norway, and while aristocratic leadership had been an outstanding feature of the ancient parliamentary history of Sweden, still there was no basis for the nineteenth century creation of a Swedish House of Lords. The so-called First Chamber is elected for eight years by the members of the provincial

assemblies, who are themselves elected by universal suffrage and proportional representation. They are 150 in number, elected in 19 constituencies, and elective terms are so arranged that every September one-eighth of the membership is renewed. The tradition of distinguished personnel and mature deliberation puts the upper house on a secure basis, so that not even the Social Democrats desire to abolish this body.

The Second Chamber (lower house) is composed of 230 persons. They are elected all at one time, for a four-year period, by universal suffrage of men and women 24 years of age, women being admitted and property qualifications abolished in 1918-19. The 230 seats are distributed among 28 constituencies; these generally coincide with the provinces, and elect from three to sixteen members each, according to population. Proportional representation was introduced in the first decade of the twentieth century. It was especially urged by the Conservatives, for the purpose of protecting minority groups. But the system has won acceptance from all hands, and no party now urges its abolition. The voter is permitted to manifest preference among individual candidates, and distribution is by the d'Hondt system.¹ Proportional representation stabilizes the relative position of the parties, but in addition it encourages groups to form within the parties. Considering the great area of Sweden it is not surprising to find that the candidate is required to be a resident of his constituency, in order that the representation may be genuinely distributed. It must be added in this connection that the metropolis Stockholm, with a population of half a million, does not play so disproportionately large and dominant a part in the life of the state as do some capitals. Sweden is rather a land of many relatively small communities, mostly agricultural, but with many small urban communities scattered about.

Equality of chambers. The two chambers are substantially on an equal footing, though it must be remarked that if the two chambers find it impossible to agree on some important matter, they vote in joint session, which of course does give a measure of superiority to the larger lower house. The Cabinet of ministers is equally responsible to both houses; not only nominally

¹ McBain and Rogers, *The New Constitutions of Europe*, p. 92.

by law, as is so frequently the case, but actually in political fact. It once happened that even the Social Democratic party put the question of confidence in the Cabinet, not where one would expect, but in the upper house. Both houses may be dissolved, but that is not a feature of normal constitutional practice. Indeed, in the long run both are controlled by the same electorate. Members of both receive the same salary and reimbursement of traveling expense from the national treasury.

Executive. What corresponds to the Cabinet in other countries is called the Council of State. It consists of a premier and nine heads of administrative departments, with one or more ministers without portfolio. The evolution of constitutional "parliamentary responsibility" has been step by step. In 1840 seven members of the Council became heads of administrative departments. In 1860 ministers began to be permitted to appear in the meeting of the Estates. The written constitution forbids the Riksdag to deal with the appointment and removal of civil officers or with administrative judicial decisions. Nevertheless the irresistible course of events during the latter half of the nineteenth century and the subsequent decades has brought a gradual growth in the Cabinet's unity, its subserviency to a premier, its independence of the Crown, and especially its coöperation with the Riksdag; but this is in the relation of leadership, not domination. Against the king's opposition it was the parliamentary ministry of de Geer that put through the great constitutional amendment of 1866. In 1876 the premiership was created by law. In 1880 there was a real experience of English parliamentarism, in that a Ministry persuaded the king to dissolve the lower house on a specific question, and upon an adverse vote of the newly elected body, resigned to give place to an Opposition Ministry. This, however, has not become an invariable or even a conventional rule; for there were later Ministries that were maintained in office by the king without observance of such parliamentary principles. Yet the last thirty years have seen the Ministry definitely freed of the bureaucratic quality which formerly predominated. As one expert puts it, since 1905 "purely political cabinets have taken the place of governments chosen from the higher civil service with political ability."

Multi-party Cabinets. During the twentieth century the Ministry has taken on a more and more partisan complexion, though that statement must necessarily be somewhat equivocal, since no party ever has a clear majority. They must depend upon temporary coalitions. The Ministry works on the line of least resistance. The average length of a Ministry's life is about two years, with some degree of alternation between the Conservatives and the Left. This Left was formerly the Liberal party, but as the Liberal party has split, the alternative to conservative government is now more usually an alliance built around the Social Democrats. The Ministry may not have a clear majority of the lower house, but if it is to live and act vigorously it must be able to find support in the joint majority of the two houses. Ministries do somehow get along with amazingly small party support; they balance groups off against each other, living on composite majorities that change from time to time. And sometimes they live solely on the mere toleration of party leaders, who are not cordial in support, but see no better present alternative. This situation reminds one of the precarious tenure of power (or at least of office) by Ramsay MacDonald as premier of England in 1924. He was grudgingly left in power by the Liberals because the latter would have found a Tory government still more intolerable. This situation, which the English regard as abnormal and highly inconvenient, is normal in Sweden, and yet seems to work well, and to general satisfaction.

All measures of importance, including of course finance, are initiated by the ministers. But the Riksdag has no hesitation in overruling the ministers in matters of detail, and has gained great power over the administration. Some fear now an irresponsible parliamentarism, and the "anarchy" of many bickering parliamentary party groups such as sometimes leads to Fascist reaction; but on the whole a stable equilibrium has been preserved, not on the basis of absolute mechanical mastery of Riksdag over Ministry, or of Ministry over Riksdag, but of reasonable persuasion and mutual forbearance.

Riksdag voting. From ancient time voting in the Riksdag was not open for public record, but secret. This was by way of

preserving the freedom of deputies from what was regarded as a heavy handicap to efficiency and to reasonable persuasion, viz., the "imperative mandate" by which constituents bind deputies. But this practice obviously violates the requirement of modern democracy, that people may control their representatives, at least to the extent of knowing how they vote. In 1922 the open vote system in the Riksdag was introduced, for most purposes. It was in the same year that there was a further change in the direction of "direct" democracy, an advisory referendum, which was experimentally introduced for dealing with the liquor question.

Joint committees. One element of the Swedish parliamentary system is unusual in European parliaments, and especially interesting to the foreign observer. For a long series of generations, from the seventeenth century, in fact, the Riksdag has been accustomed to operate by *joint committees*. These have come to function almost as a rival to the executive, and they are now stronger than ever in the past. The system is provided for in the Organic Law of 1809, not changeable by ordinary means. This statute requires the reference of all business to the committees and carefully protects their initiative.

These committees are composed of somewhat varying numbers, 16, or 20, or 24. On each committee the two chambers are equally, and the parties proportionately, represented. They deal with finance (the most important), the constitution, taxation, banks, agriculture, and two with legislation. There are also certain special and temporary committees of less importance. Since 1921 there has been a strikingly important committee on foreign relations; this department of government is to an especial degree under the influence of the king, but no important decision can be arrived at without prior consultation with this committee.

Committee control upon Ministry. Generally speaking, the committee action constitutes a severe control upon the Ministry's leadership, and may go to the point of essentially altering if not defeating ministerial plans. Ministers are excluded from meetings of the committees, yet through the operation of the party system, ministers being often party leaders, they have some opportunity to influence committee action by informal confer-

ence. Committee posts are earnestly coveted, and once won are retained for many years, the consequence of which is that individual members acquire experience and earn high personal prestige. A committee's report on a controversial matter is likely to be supported by the chambers. When the chambers disagree a committee acts as mediator to bring them together. The Ministry's bill may be so changed by the committee that the responsibility is seriously weakened and possibly dissipated. Americans cannot fail to see in the Swedish experience on this point matter for their own instruction as they contemplate proposals for introducing Cabinet coöperation with congress. The Swedish committees are miniature Riksdags. They facilitate conference between the houses and also between the Cabinet and the legislature. The Swedish system is neither the English system nor the American; it suggests a compromise and a combination of the two. Somewhat as in Switzerland, the ministers may be found differing in debate, the one from the other, not bound to solidarity as in England. Somewhat as in the United States, the executive attempts to lead through public opinion and its pressure, but on the whole is content to administer, leaving the detail of legislation to the Riksdag committees.

Conservatives. The party situation may be briefly summarized. These groups are very powerful in the operation of parliamentary government, probably far more potent than individual judgment in determining Riksdag votes. The groups are now six, increasing in number with the progress of democratization, this tendency being further confirmed as a result of the recent introduction of proportional representation. The oldest party, going back to the early nineteenth century, is the Conservative party. Its main interests have long been the maintenance of adequate military defense organization, and the freedom of private property and enterprise from encroachment by labor unions or by taxation. It is steadily supported by persons of almost all social classes, and after the last general election (1932) it had 47 out of 150 seats in the upper house, and 58 out of 230 in the lower house.

Agrarians. Of somewhat similar attitude in point of resistance to change is the Agrarian or Farmers' party, whose main

interests are the protection of land ownership, the winning of tariff favors for agriculture, and the distribution of Crown and Church lands. This party elected 18 out of 150 to the upper house, 36 out of 230 to the lower.

Liberals. The Liberal party was once a leader, and had in its own hands the government of the country during part of the first decade of this century; but it has fallen to very meager proportions by the splitting off of fractions in various directions. Its main interest is the protection of economic freedom against government control and against socialism. It stands also for temperance, not prohibition. It elected only one in the upper house and four to the lower, in 1932. Its principal ally is what is now known as the People's party, composed of small tradesmen. They are for prohibition, but otherwise stand close to the Liberals. They elected 18 to the upper and 20 to the lower house in 1932.

Communists. Since 1923 there has been a Communist party, which presents the usual phenomena of dissension on the point of submission to the Moscow Third International. The party has one member in the upper house and eight in the lower, most of whom are called Independent Communists, and are not obediently submissive to Moscow.

Social Democrats. By far the largest party of all, though it has never possessed a majority, is the Social Democratic. Since the election of Branting in 1896 it has been steadily growing, and in 1917, in collaboration with the Liberals it conducted the government. Three times since (1920, 1921, and 1924) Branting and the Social Democrats have conducted the government alone, and the present premier Hansson is of the Social Democratic party. The party adheres to the Second International, it is strong for the League of Nations and for a more popular control of foreign policy. It also demands the disestablishment of the State Church. In 1932 it elected 61 out of the 150 in the upper house, and 104 out of the 230 members of the lower house.

No "swing of the pendulum." Parties do not tend to divide the Riksdag and the nation between them on the English plan or to encourage a "swing of the pendulum," with its exaggeratedly "democratic" tendency to provide the people, or a small

strategically placed section of it, with opportunity to throw the whole weight of government first strongly to one side, then to the opposite. There has never been a historical root for the system of two great fundamentally opposed parties, rivals for the privilege and responsibility of governing. Instead there were many shadings of opinion, each to be nicely distinguished from its next neighbor, none ambitious to be charged with sole responsibility. Small center parties tend, as being capable of compromising mediation, to acquire an influence utterly out of proportion to the number of their members or the sharp distinctness of the stand they take. They are instruments of a variety of sincere attitudes, whose adherents necessarily overlap, no one of which can think of governing the nation out of its own resources of policy. A party may (and a small center party is almost sure to) adhere to many cabinets in succession, which is obviously in the French rather than the English political manner.

Cabinet crisis. There is no single orthodox, conventional means by which Parliament may manifest its want of confidence in the Cabinet. A Cabinet falls not because the Riksdag conducts a full-dress debate on a sharply defined issue and finally comes to a clear decision that the Cabinet must go. Instead of this there is on some occasion a failure of the Riksdag to give adequate support to a Cabinet measure. An event has occurred which some interpret as a defeat for the Cabinet, but which others refuse to take so seriously. If there is a "crisis," it is because the Cabinet itself, after thorough self-examination, decides that it can go on no longer. Parliament has not deliberately dismissed the Cabinet, but the Cabinet (freely?) decides that under present circumstances it can no longer continue to do business with sufficient authoritative influence to hope for success. The king's government must go on, to be sure, but there is no clearly marked, conscious, self-confident Opposition which has overthrown His Majesty's ministers and must in constitutional duty assume the burden. The king confers with the presidents of the houses and the leaders of the parties, seeking a new combination of parliamentarians and technical men who will provide the best, most hopeful ministerial aggregation for achievement in legislation and administration. They will hold

on until *they* decide that their strength has waned and that they no longer have sufficient parliamentary strength to legislate and administer.

As party leaders are never in a position to assume full responsibility, they may with some degree of irresponsibility threaten the efficient life of every Ministry. They cannot be brought to heel by the crack of a whip. A Ministry's threat to resign is ineffective; if carried into action this only gives renewed occasion for another ministerial wooing of this, that and the other party into support of a new ministerial combination. A ministerial threat to dissolve and hold a new election is ineffectual; for the new Riksdag is bound to be composed of the same elements as its predecessor, and in much the same proportions.

Judiciary. A few words must suffice regarding several features of minor importance. The judiciary has been gradually rising to be a separate factor in government. As viewed by the American disciple of Montesquieu, its independence of the administration is now manifest, especially since certain judicial changes that were made in 1909. There is one supreme court, there are three appellate high courts and 207 district courts. The judges are appointed by the king, but actually the suggestion of the courts themselves is controlling, and the judiciary may well be regarded as almost self-recruiting. Needless to say, the judiciary is absolutely independent of the Riksdag. Conversely, the judiciary has no authority to pass upon the constitutionality of measures passed by the Riksdag. Trial by jury is provided only for cases involving liberty of the press.

Army. Sweden's great career as a military power in the seventeenth and eighteenth centuries, threatening under Gustavus Adolfus and Charles XII to dominate Europe, necessitates a reference to the army, especially since geography compels her to be interested not only in the affairs of her peaceful Scandinavian neighbors, but also, and far more anxiously, in the Colossus of Russia, whether Tsarist or Soviet. The army enjoys a high regard in Swedish society; it is recruited on the principle of universal military service, with an initial training period of ninety days, followed by a long series of years with periodical short opportunities for retraining. There is only a minute

nucleus of professional soldiers. The net result is a minimum of dangerous martial spirit, combined with a maximum of home-grown, home-sufficing security. The modern Swedish state has settled back (or pushed forward) into a modest pacific role in international affairs; Sweden has constantly been one of the staunchest defenders of the League of Nations idea.

Control of intoxicants. The control of intoxicants has been achieved by what is called the Bratt or Stockholm system. This depends upon the principles that the individual purchaser must be rationed; that there must be no private profit from the sale; that the retailing shall be by companies which are held responsible pecuniarily for the temperance of the localities in which they operate.

Local government. Local government is by ancient tradition carried on by the local communities themselves, with a minimum of interference by the central government. There are elected councils, both urban and rural, with far-reaching authority, which has indeed been much widened in recent years, especially in 1919, when voting power was equalized. Men and women alike participate in the election of councils, and there is much party interest taken therein. There are 24 counties. Each has a prefect appointed by the king, who must deal with and guide the Council, the latter being elected by proportional representation. There is relatively slight development of urban life (only three cities of 100,000 or over), with its difficult administrative problems. Recent years have seen an enormous expansion of governmental activity by the local units, largely in functions imposed by national legislation. The Conservatives as property-owners and taxpayers fear lavishness and waste, but there is no stemming the tide of democratization and municipal socialism, and a considerable number of the communes are now in the hands of the Social Democrats, whose program is not at all revolutionary but sharply progressive in the direction of collectivism.

Evidently here is a people who by ancient tradition of self-government and by present economic and social circumstances are blessed with excellent prospects for achieving the democratic ideal.

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CHAPTER IX

SUCCESION STATES

Embarrassing legacies. This chapter deals briefly with the troubled region of central and southeastern Europe. Here are nine states, not all of them small (Poland has an area of 150,000 square miles and a population of thirty millions); and so far from being newcomers in European civilization, most of them have some degree of continuity with forms of political life that come down from literally a thousand or more years of recorded history. Traditions of former greatness, even imperial domination, in fact, are among the most embarrassing legacies they have received from the past: whether we look at Serbia which dominated the Balkan region in the fourteenth century; or Bulgaria whose greatness was in the tenth and fourteenth centuries; or at Austria, which under the dynasty of the Hapsburgs was for seven centuries *the empire*, the modern Rome, the type of universal dominion.

Balkanization. All these nine states, however, have in common certain special qualities, and special difficulties. Their very existence and the traditional non-coöperativeness of their relations with one another, is sometimes pityingly referred to as the "Balkanization of Europe." The true Balkan communities, as peoples rising or reviving in the decaying Ottoman Empire, exposed to the competitive greed or mistaken "balance-of-power" policy of West European empires throughout the nineteenth century, became a prey to external pressures and internal passions which have created a special political concept called "Balkanism"; almost volcanic in its suggestion, or even seismic.

Empires broken up. The term "succession states" suggests that one and all have their existence mainly as the result of the decease and break-up of two empires, the Ottoman and the Hapsburg, adding also the Romanov and Hohenzollern in the case of Poland. Turkey, "The Sick Man of Europe," during over a cen-

ture gradually sank into a decline and was constrained to acquiesce in the secession of Serbia (1804), Greece (1829), Rumania (1860), and Bulgaria (1878-1908). The majestic, Catholic or world power of the Hapsburgs, who had their capital at Vienna, had once a sphere of operations that covered all Europe, ecclesiastical and secular, but it had long ago been compelled to recognize national states like France and England as possessing sovereignty equal to her own. In 1804 the emperor abandoned even the paper claim to universal "Roman" dominion. In 1867 the constitutional organization of a modern state was assumed, the "Austro-Hungarian Dual Monarchy." But it was already recognized that this state did not rest upon the loyal support of one national community. It consisted rather of two historically evolved aggregates (Austria and Hungary), each loosely binding together for common economic life numerous peoples, whose traditions and hopes suggested separate political organizations of what they regarded as their separate nationalities. This aspiration was realized in 1919 when the disastrous outcome of the World War had brought the whole Hapsburg fabric crashing down into ruin. The Germans of Austria and the Magyars of Hungary, the two dominating peoples in the old Hapsburg monarchy, formed now their own separate, relatively tiny but compact states, and were recognized as such by the victors at Paris—the Austrian Germans being expressly forbidden to unite with their cousins of the German Reich. In each case, under parliamentary forms, a substantially "dictatorial" government has subsequently taken shape, in the desperate effort to make headway against insuperable economic difficulties. Bohemians and Moravians of old Austria and Slovaks of old Hungary were joined in one body, Czechoslovakia, which will receive more extended treatment below.

Poland. Poland, as a succession state, had the unfortunate peculiarity that she was put together out of elements that had been not only Hapsburg, but in some of their most important parts Prussian and Russian. Here is the re-combining of that Polish state which, after a long and important career as an independent kingdom, had been criminally torn asunder (1772-1795) by the cynical neighboring monarchs, Catherine of Russia and

Maria Theresa of Austria, led by the Prussian Frederick the Great. It was also Poland's special misfortune to have been ravaged during four years (1914-1918) by invading and retreat-



SUCCESSION STATES

ing armies, as well as to have been tempted during the struggle to hope redemption now from the one, now from the other, of the two contesting groups of states. The civil strife between Russophile and Prussophile Poles was not all. Social cohesion is

exceedingly difficult to realize in a community where there still is a great feudal gulf fixed between lord and peasant, between factory owner and laborers. Add to this the fact that Poland's geographical situation between Russia and Germany has made her suppose her safety to lie in armies as large, territories as vast, and alliances as elaborate as can be contrived. Her situation is not easy, nor her political organization stable. She is nominally a republic, with the familiar equipment of written constitution and elective president and Parliament. But over the whole decade and a half of her post-war history is written the name of her war hero Pilsudski, who died in 1935. At his nod presidents and ministries rose and fell. As military dictator he gave her absolute government behind the mask of constitutional forms. It remains to be seen what is the consequence of his death.

Rumania and Greece. Rumania and Greece are both nineteenth-century creations out of the Ottoman Empire. They have received as a result of the war vast additions to their territory, which they must struggle to assimilate and administer, though their home problems of social and administrative character are none too easy. Greece has already suffered a severe check in her over-ambitious effort to wrest western Asia Minor from Turkey, and Rumania has in Bessarabia an unsolved problem with Russia, which perhaps still waits for definitive solution. Rumania is governed in the name of a monarch, with a plutocratic group in despotic control. Greece oscillates between republic and monarchy, as England does between parties—the latest phase being dictatorial monarchy. She is intensely political, as no other of her neighbors, but still includes the fundamental constitutional organization (republic *versus* monarchy) as a question of current politics.

Turkey. Turkey purports to have entirely changed her character during the last decade. The Ottoman Empire has ceased to be. Forsaking her ancient role of a military, religious, tax-gathering garrison, forcibly holding together many diverse nationalities to whose religious and political aspirations she was scornfully indifferent, Turkey has been stripped of most of her non-Turkish and non-Moslem subjects. Without responsibility

or power in Africa, Arabia, Syria, or Mesopotamia, and with only a remnant of territory in and just west of Constantinople, Turkey has shrunk practically to Asia Minor and the Turks alone. She presents herself to the world with a constitution and a set of institutions which are superficially of the familiar European pattern (a republic), and free from the peculiar Mohammedan connection. Under the leadership of Mustapha Kemal, however, she has developed a mode of political life that strongly reminds one of Mussolini's Italy.

Bulgaria. Not only Turkey was on the victim side of the world war settlement, but Bulgaria also. Yet she, along with her victor neighbors, Rumania and Serbia, retains her royal dynasty and many of the institutions of former times. A cereal agricultural country, she could not suffer from the war so much as her somewhat industrially and commercially organized neighbors. It may be that in spite of early rumored Bolshevik connections, and later "dictatorial" tendencies, she has today the most nearly normal condition of all the states in this region, the least revolutionary disturbance to react from or assimilate, the most historic continuity to maintain her on the way toward constitutional self-government.

CZECHOSLOVAKIA

Democratic spirit. Czechoslovakia is one of the most notable signs of our times—a democratic state artificially constructed by the devising of peace-making statesmen in 1919, in defiance of history but in deference, loudly alleged at least, to the principle of the self-determination of peoples; retaining and developing the democratic spirit while all her neighbors fall into the grip of autocrats. Her written constitution was a synthetic construction, but the mode of life of the new state has been largely determined by the careers and plans of a small number of eminent men of heroic stature, who won and hold the people's confidence. Americans can hardly fail to be struck with the parallel between the careers of their own Washington and Hamilton on the one hand, and the Czechoslovakian Masaryk and Benesh on the other, in each case the providential man to provide by personal leadership the solid foundation and the brilliant superstructure. Presi-

dent Masaryk, like Washington, is the calm inspirer of universal coherent unity; and Benesh, foreign minister until he succeeded Masaryk in the presidency, faithful disciple, but still more importantly, inventive deviser, is the architect of international alliance for security, creator of the Petite Entente and Man of Europe at Geneva.

Geography. The area of the state is some fifty-four thousand square miles, equal to Illinois or Florida, or seven-eighths of New England. But the population is nearly fifteen million, equal to that of Ohio, Indiana, Illinois, Michigan, and Wisconsin combined. Population density is 350 in the west, that is, Bohemia, Moravia, Silesia, a rate so high (like that of Connecticut) as to suggest a predominantly urban-industrial area. Population density in Slovakia on the other hand is 176, more like that of Ohio.

Race. The race is Slavic, but while there are close relations, there are yet more differences between the Czechoslovaks and other Slavic races: Polish to the north, Russian and Ukrainian to the east, Croatian, Slovene and Serbian to the south.

Strategic situation. Strategically this state, born in and as a result of the World War, is in most precarious situation, almost indefensible as regards her extraordinarily long frontier. Landlocked, she has access to the sea only by special treaty arrangements regarding the Elbe, Oder, Danube, and other rivers, which belong mostly to her neighbors. Here are five sets of frontiers to think about. Only fifty to 125 miles wide, she stretches for a length of 600 miles in the midst of resentfully hostile neighbors, humiliated by defeat; she can expect nothing but vengeance from the Germans to the north, west and southwest, from the Hungarians to the south. Each of these two peoples furthermore, having enjoyed dominating, exploiting power, Germans for three hundred years over Czechs, Hungarians over Slovaks for a thousand years, has the exasperating experience of seeing the social pyramid turned upside down—the master race is now servant, the servant master.

Minorities. Only a high degree of intelligence and self-control can enable this delicate and trying situation to be dealt with peacefully and satisfactorily. The so-called "minorities" are guaranteed autonomous rights for their citizenship, their lan-

guage in school and court. The guaranty was originated in a treaty of 1919 between the new-born state and the victorious Allies, a freedom granted under mortgage, so to speak. The guaranty was later incorporated in the constitution of the state, comprising seven articles thereof. The importance of the minorities problem may be perceived from the bare statistical fact that a full third of the population is not Czechoslovak. Nearly one-fourth are Germans, 5 per cent are Hungarians, 4 per cent are Ruthenians, racially identical with the Ukrainians of Southwest Russia.

Slovaks. When it is stated that 67 per cent are Czechoslovaks there is concealment of one other minority problem. Two million, or something like one-fourth of the "Czechoslovak" people are Slovaks. They have a language which is closely related as a lower-class dialect to that of the (Czech) Bohemians, but their stage of culture is exceedingly backward. A thousand years of subjection under Hungarians had almost completely separated them from their kindred of Bohemia. They are now treated by the Prussian-minded Czechs as poor relations, though they can claim as one of their ancestry the united nation's "founding father" Masaryk, whose father was a Slovak coachman, having the social position of a serf. The Bohemians, proverbially of outstanding excellence of culture, have taken full charge of the Czechoslovakian state. Slovaks under the lead of Father Hlinka set up claims for autonomy as if they were themselves a racial minority in need of treaty protection. Only after seven years did a portion of the Slovaks break off and enter into a collaborationist attitude with the Czechs, who had hitherto monopolized responsibility for the conduct of affairs. In 1927, when President Masaryk became a candidate for reelection, the Slovaks revolted and made a considerable contribution to the 104 votes that were cast (out of a possible total of 450) against him. Nevertheless, they now coöperate in government, and even contribute (1935) a prime minister, Hodza, who signalizes the importance of his own race by making his first speech as premier in the Slovak language, but resolutely maintains the government coalition which mainly depends on Czech votes.

War origin of the state. The leaders of the nationalist movement for Czechoslovakian statehood were in exile during the war, mostly at the capitals of the Entente powers and the United States, but also organizing military forces on the Entente side from among the ex-Austro-Hungarian prisoners of Czech nationality behind the Russian and the other fronts. They had remarkable success in winning the regard of the Entente statesmen, and finally were recognized in the middle of 1918 as a belligerent power, the secure establishment of whose self-government became one of President Wilson's Fourteen Points. With the military break-up of the Austrian front in the autumn of 1918 the Czech national government was hastily organized, independence was declared October 28, and the republic proclaimed on the 14th of November. For president they chose Thomas G. Masaryk, a professor in Prague and a historian and philosopher, of high moral and intellectual prestige, and experienced in the pre-war Austrian Parliament. A provisional government was conducted by the Czech leaders and a national assembly elected; the constitution they had framed was proclaimed in force February 28, 1920. It was a document in whose framing Masaryk himself was largely influential, and on the whole was redolent of Jeffersonian ideals of democracy, government by the consent of the governed, modernized with a strong dash of socialism and nationalism. There was a large participation of Czech parties of all varieties of social and religious attitude, including, as was usual in those days, many brands of socialistic hopes and aspirations which tend to cancel out. The work of the National Assembly was definitely adopted and proclaimed without, however, being submitted to popular vote, or to the individual acceptance of the provinces (Bohemia, etc.) that were being united, though the social characteristics of their provincial communities showed a great deal of variety, as a natural consequence of the wide diversity in their histories and social make-up.

Land reform. The constitution contains an elaborate Bill of Rights, that is full of the phrases made familiar by the Anglo-Saxon and the French experience. There is, however, some novelty in the declaration, natural under the special local circum-

stances, that it is a public duty to secure the maximum, optimum utilization of land. The sacredness of private property in land is thus subjected to a certain suspicion. Here is a possibility of uncompensated expropriation, of serious social injustice. By the same token, here is the possibility of actually doing something, wisely and moderately, in correction of heavy social liabilities in the non-use or mis-use or inadequate use of the nation's land. In fact, at the expense of German and Magyar feudalism some 450,000 Czechoslovak farmers have already benefited by the agrarian reform, which involved some 4½ million acres.

Constitutional Court. For amendment of the constitution simple provision was made; it should require a three-fifths majority in both houses of the Parliament just created. For the protection of the constitution against encroachment by the various organs of government a special tribunal was created, the Constitutional Court. This body was to consist of seven judges, three appointed by the president from the two houses of the Czech Parliament and the Carpathian Assembly,¹ and two each from the supreme ordinary court and the supreme administrative court. As contrasted with the similar function of the United States Supreme Court, it is notable that this court might invalidate a statute of Parliament for unconstitutionality only if there were agreement of five out of the seven judges; also that the declaration of unconstitutionality was to be of effect only for the future, and might obtain only if the action were brought within three years after the enactment of the statute; finally that the jurisdiction was to be invoked not by private parties, but only by one of the legislative or political bodies which were involved in the personnel of the court. Whether or not because of these restrictions, whether or not because such jurisdiction is essentially out of harmony with the parliamentary supremacy otherwise provided, the jurisdiction has never once been invoked, and the institution of judicial review may be regarded as already practically obsolete.

✓ **The president.** The Czech presidency is evidently modeled on that of France. One is elected for a seven-year term by the two houses of Parliament in joint session. Election requires a

¹ A special instance of home rule granted to a "minority nationality."

three-fifths vote: but if two ballots are in vain, a third ballot is confined to the two highest candidates and a majority wins. One may not hold office more than two consecutive terms, but exception was made for the Father of his Country. Masaryk was elected by the revolutionary assembly, was reelected by a vote of 274 out of 432 in 1927, and was again reelected in 1934, although he had reached the advanced age of 84.¹ His record of patriotic service is regarded as entitled to respect in a unique degree. The president attends Cabinet meetings and offers his personal views, which are bound to be deeply influential on affairs international and domestic alike. Masaryk is said to have once threatened resignation unless his confidant Benesh was continued in the foreign office, which is an exercise of authority far beyond what would be expected from a French president. Furthermore, upon resigning, he exercised strong pressure to secure the election of Benesh as his successor. The president may send messages to Parliament on his own responsibility, he may summon a special session; but generally speaking, it is the Cabinet that bears responsibility for all the president's acts in government. He even has a suspensive veto on parliamentary action, which has the effect of postponing for one month the effect of parliamentary legislation; but it may be overcome by an absolute majority of both houses, or three-fifths of the lower house. This, however, has never been used in important matters, and the reason is of course to be found in the parliamentary confidence enjoyed by the Cabinet who are responsible for the president's doings.

Suffrage. The suffrage for members of the two houses of Parliament is universal, equal, direct, and secret, the constitution permitting no sex or property qualification. For the lower house one votes at the age of 21, for the Senate only after reaching the age of 26, which makes the Senate electorate about 6,400,000 as compared with the 7,300,000 who vote for the lower house. The participation of voters is very large, generally over 90 per cent, as abstention from voting subjects the potential voter to a fine. One result is that notwithstanding its novelty

¹ Late in 1935 his disciple and friend Edward Benesh was elected to succeed him.

women's vote is exercised as completely as men's. Much was said of the initiative and referendum at the time of the framing of the constitution. But the initiative was rejected, and for want of enabling legislation the referendum is still a dead letter.

The Senate. The Senate numbers 150, elected all at once for a term of eight years, 1921, 1929, 1937, etc. Members must be at least 45 years of age. They are elected by proportional representation from thirteen districts. The Senate may constitutionally but does not in practice introduce legislation; but there are restrictions on the initiative regarding finance and defense. It may interpellate ministers, but their responsibility is plainly to the lower house. Not one senator has become a minister. It has a suspensive veto (requiring repassage by a majority of the total membership) but in practice it accepts the House's legislation without delay or reservation. The more important is the subject of legislation, the less time is customarily left to the Senate for discussion. Differences of opinion between the two houses are settled by conferences of the party caucuses. On the whole, the Senate has little prestige or influence on policy. It does not represent any special social class other than what is reflected in the lower house. Its party composition (fourteen groups, averaging ten members) is almost precisely identical with that of the lower house. It might be abolished without serious loss.

The lower house. The lower house numbers 300, elected for a term of six years from among persons 30 years of age. Twice it has been dissolved before the expiration of its term. It is elected by proportional representation, which is conducted largely in accordance with the plan known under the name of the Swiss professor Hagenbach-Bischoff.¹ In each of the 23 districts, the electoral quota is found by dividing the total vote by 1 plus the number of seats to be filled, which varies from 5 to 45. This electoral quota, divided into the popular votes cast by the several parties, gives the number of seats for that district, to which those parties are entitled. This plan pays for its simplicity by the defect that it leaves considerable numbers of seats unassigned at the primary distribution because of the

¹ McBain, H. L., and Rogers, L., *The New Constitutions of Europe*, p. 112.

correspondingly large remainders. In Czechoslovakia there is a secondary and even a tertiary scrutiny, for distribution of the remnants left at the primary counting. There are unions of districts, into which the primary districts are consolidated. All the remnant votes not previously counted towards a seat are totaled. The unassigned seats are distributed among these remnant votes according to the d'Hondt¹ formula familiar in Belgian proportional representation. When there still remain seats unassigned, a third scrutiny gives the remaining seats to the largest party-vote-remainders in the primary district. But in 1925 by an amendment of the law, the third scrutiny was altered so as to unite parties into two great blocs, one the Czech (and Ruthenian for the election to the Ruthenian Assembly); and the other a composite of all the non-Czech (or non-Ruthenian) national minorities. The effect of these several scrutinies may be seen in the fact that in 1925, for example, the Czech Social Democratic party got 18 seats in the first scrutiny, 9 additional seats in the second scrutiny and 2 more in the third. Similarly, the Czech Agrarians party got 32 seats in the first, 10 more in the secondary and 3 more in the third distribution.

Party managers. The system of proportional representation is not confined to parliamentary elections but is applied to local government as well; and to the provincial diets recently provided for Bohemia, Ruthenia, and the other provinces. On the whole, it doubtless enhances the power of party organizations and managers. Any group of 100 citizens may legally nominate a candidate list, but as a practical fact this is never done except by the organized party managers. The voter is faced by a party list, which must be strictly adhered to, without personal preference among candidates. Furthermore, on the second scrutiny the counting is confined to persons who were on the original lists and not elected: party managers practically have the direct appointment of the members who are elected by these later apportionments of unassigned seats among remnant votes. There is a rule forbidding a party to elect members by remnant votes unless it has at least one member elected by district quota. This is for the obvious purpose of discouraging an inordinate splinter-

¹ McBain, H. L., and Rogers, L., *The New Constitutions of Europe*, p. 92.

ing of parties, and preventing a party from deriving its representation entirely from remnant votes, that is, votes which total a representable quota in no one district. It is notable that the results are mathematically accurate to an extraordinary degree, so far at least as concerns the real meaning of proportional representation, viz., the equality of the ratio of parties' popular votes to that of their resulting parliamentary delegations. For as a usual thing no party's popular vote is over one per cent greater or less than that party's share of representation obtained. This is true, although there were actually nineteen parties competing in the election of 1929.

Parliamentary procedure. The procedures of the houses in enforcing their control over the executive are minutely described in the written constitution, and give evidence of the authors' careful study of the experience of west European constitutional systems. There is the familiar committee of inquiry. The interpellation is imitated from French procedure, but seems to be emasculated down to the quality of the English "question," though, it is true, the answer of the minister may be followed by a debate. But an interpellation debate cannot be held unless a majority of the house has agreed to hold it, manifestly a strong safeguard against snap votes. To introduce a motion of no confidence there must be a petition of 100 deputies. The matter is then referred to a committee, which reports after eight days. There must be a quorum present, and a vote requires a majority of the quorum. If the vote is unfavorable it need not lead to a resignation of the Ministry. But as a matter of fact not one vote of no confidence has taken place.

Standing committees. The Czechoslovak Parliament makes use of standing committees, including one on foreign affairs, which has aroused special interest because it has the right to be consulted and to give advice after parliamentary adjournment. There is another interesting experiment, the safeguarding committee, which was planned to be available at all times to watch the executive in the legislative behalf, like the "deputation" so long and familiarly known in many European local government constitutions. This safeguarding committee consists of 24 persons, 16 elected by the lower house and 8 by the Senate, with

proportional representation of the parties. This body was designed to sit in intervals between parliamentary sessions, possessing all parliamentary powers in legislation and administration, except regarding declaration of war (which constitutionally requires a three-fifths vote of each house), election of the president, and amendment of the constitution; its decisions were to acquire the force of law unless annulled by Parliament within two months of its reassembling. But in actual fact this committee does not function: it has been addled by a legal technicality. The Cabinet, not desiring to face such a miniature Parliament when parliamentary vacations entitle the executive to their well-earned freedom of action, issues a call for the National Assembly immediately upon the beginning of the parliamentary vacation. No sessions are held, but technically the Parliament is in session, hence there is no safeguarding committee!

Cabinet stability. The Cabinet system is minutely described in the documentary constitution. As has been observed, the president not only appoints the ministers, but (in the person of Masaryk, at least) exercises a large influence upon their conduct of affairs. Perhaps this unique personality and the prestige acquired by long successful services helps to account for one observer's remark that "only in Czechoslovakia," as among central European states, have Cabinets "enjoyed what might be regarded as a satisfactory lease of life."¹ Making some allowance for the revolutionary period of 1918 and for two slight reorganizations, the Cabinets have enjoyed an average of 17 months, and one Cabinet lived 4 years and 9 months.

Benesh. Two portfolios, of unique importance, have been regarded as more or less beyond Parliament's reach: finance, in which first Razin and later Eglis enjoyed a generous freedom from disturbance because of the exceedingly delicate nature of the task to be performed, all parties agreeing, on the principle of *union sacrée*, that a technician must have a free hand. Similarly, Edward Benesh was foreign minister without interruption for 17 years. In one or two recent Cabinets, this principle was even extended to the most political of portfolios, that of the interior. On a number of occasions in other departments as well,

¹ Zurcher, A. J., *The Experiment with Democracy in Central Europe*, p. 190.

it has been thought fit that a non-party expert should keep charge of a field of administration during a limited period, until the political situation could be allowed to clear up.

Parties. Political parties in Czechoslovakia are very numerous, as there is the unavoidable multiplication of three types of factors, viz., race, religion, and political attitude. If there are Socialists, some are Marxian and some Christian. If there are Christian Socialists, some are Czech, some German, some Magyar, etc. These parties are encouraged by proportional representation to remain separate, each conducting its own campaign. These campaigning hosts furthermore remain coherent and well disciplined in election after election. A notable demonstration of this fact is the following table of party representatives resulting from elections:

<i>Parties at Elections</i>	1920	1925	1929	1935
Czech				
Agrarians	40	46	46	45
Social Democrats	74	29	39	38
National Socialists	24	28	32	28
Czech Catholic Peoples		31	25	30
Slovak Catholic Peoples (Autonomists)	33	23	19	14
National Democrats	19	13	15	17
Middle Class (Traders)	6	13	12	17
Independents (Poles, Jews)	3		4	
Electoral Reform			3	
Fascists				6
German				
Social Democrats	35	17	21	11
Agrarian	14	24	16	5
Christian Socialists	14	17	14	6
Nationalists	14	10	7	
National Socialists	5	7	8	
Sudetendeutsche Heimat Front				44
Hungarians		9		9
Communists		41	30	30

Party discipline. The effect of proportional representation, as well as of other psychological factors in Czech politics, is that party discipline is exceedingly strict and tense; the elector votes for his party, not for his representative. The party managers see to it that the mathematical result is efficiently secured, in minute mathematical exactness. But one result is that the member of Parliament realizes to a poignant degree his dependence on the party managers rather than on his constituents. His obedience to the dictates of the party "club" (caucus, in American parlance) is strictly enforced. A member may even find his seat forfeited if he rebels against the caucus decision. Parliamentary government becomes less and less a leadership of parliamentary members by eloquent or persuasive statesmen—more and more a mathematical composition of party forces, reckoned on the basis of the popular vote. Ministries take form and disintegrate on the basis of inter-party negotiations or intrigues; the process is not performed in Parliament on the basis of parliamentary debate but in the realm of inter-party diplomacy, compromise and trade.

A Super-Cabinet. A Ministry resigns because the coalition on which it was based has become unstable, because of the conscious inability of party managers to agree. After the crisis has thus begun it may require a long time (e.g., six weeks in 1929) before the negotiations can be completed for providing a new constellation of forces. A special committee has thus come into existence, not contemplated in the constitution but required in actual political life, the so-called Petka, or committee of party leaders. At first it consisted of five, then of six, now of eight. It is a Super-Cabinet of party bosses, the avowed master of Cabinets and of the deputies who are maintaining the Ministry in office. Always in secret, this body determines from day to day what is the greatest common measure of ability to coöperate, on the part of the parties in government. When the G.C.M. falls below a certain minimum, the ministers are informed, and the Ministry resigns, to give place to a new body of party coöperators when the super-committee has found a new basis of coöperation.

Composite Cabinets. As these lines are written the Cabinet consists, and with slight shifts has consisted since October, 1932, of 16 men. Several, including the premier, are of the Czech Agrarian party, long the strongest in the state, though it only musters about 15 per cent of the total. Under the guidance of this party the peasants vote as heavily as the townspeople, if not more so. The small farmer identifies group interest with political interest; in behalf of his economic position he holds together under competent leadership and has continued to do so from the very beginning. Already much has been done in his favor to remedy the ancient social evil of the nation's land being held under control of privileged but foreign aristocracies. By partial confiscation, tempered by partial compensation, much land has been taken from Magyars and Germans, to be given to Czechs and Slovaks. A party of central position, chiefly concerned in stability and national freedom from conflicts of "minority nationalities," it enables a premier to make combinations now to the right, now to the left, as political circumstances suggest. In addition there are several ministers of no parliamentary party, and several of a number of other parties. This coalition always includes the Czech Social Democrats, who are the second largest Czech party, a moderate rather than revolutionary group. They had collaborated in the "sacred union" of the first six years. Withdrawing because of what they regarded as the Ministry's excessive emphasis on protectionism, they have now returned to collaboration with bourgeois Agrarians and Catholics. There are also ministers representing the Czech National Socialists (not Nazi), and the Czech Clericals. After some eight years of intransigent opposition, a portion of the Germans saw the light in 1926 and became coöperative. One minister was a German Agrarian, one a German Social Democrat.¹ Sometime there may be again, as there was for a short time in 1926, a member to represent the Slovak autonomists. That would complete the picture, of a parliamentary responsible Cabinet of

¹ The election of May, 1935, brought an astonishing result: 44 deputies were elected by the Sudeten German Home Front, a new Nazi party under Henlein as leader. They are a party of protest in behalf of German rights; though they profess loyalty to the constitution, the danger of German irredentism is too great for them to be admitted as yet to membership in the government coalition.

a type which is far from the English, but is essentially continental European. Parties do not contend for the responsibility of providing a governing team of their own; each party is more or less ready to contribute its quota of ministers and votes for a premier who for the time has picked out the line of least resistance, the direction in which can be found the greatest common measure of the will of parties to coöperate.

Non-coöperating parties. There is thus a steady, almost permanent coalition of governing parties. Being a coalition, it is condemned to some measure of ineffectiveness, since the Ministry does not strongly emphasize any one line of policy lest it antagonize those of its supporters whose tendency is to lean in the opposite direction. Nevertheless, the government derives a certain degree of strength from the fact that these half-dozen parties do coöperate in the national interest, as broadly conceived. Facing them is an almost equal number of parties which have only one thing in common, viz., that they refuse coöperation; they send no ministers, they give no votes but only criticism and opposition to the Ministry's program of legislation and administration. Until the rise of the German Home Front, by far the strongest of these non-coöperationist groups was that of the Communists, who, with 30 seats in the Chamber, came next after the Czech Agrarians and the two Czech Socialist parties. There are also groups from the minority nationalities, German, Magyar, and even Slovak, which refuse to coöperate. But they have little in common among themselves and especially little in common with the Communists.

Economic Council. A frame of government devised in the same period with the Economic Councils, so fashionable in the third decade of the twentieth century, was bound to show at least a trace of the idea. Czechoslovakia established an Advisory Board on Economic Questions. But it suffered the same fate as similar bodies in other countries with well established representative bodies. Instead of occupying the center of the stage, like the Russian Soviet or the Italian Corporation, it has become merely advisory, not a wielder or sharer in legislative power. As founded by executive decrees in 1920, the body was provided with a membership of 150. Four-fifths were to repre-

sent the vocational interests of producers. One-fifth were chosen by the Cabinet from economists and other professions, four to represent the class interest of the consumer as such. The Council almost never assembles in formal session. It has, as it were, abdicated in favor of its eight standing and other *ad hoc* committees, which hold many meetings, and develop statistical and other material for the use of Cabinet and Parliament directly. Their work has borne on economic practices such as installment buying, agricultural insurance, the economic phases of law reform, and the regulation of the sale of alcoholic beverages. This work is multifarious, elastically adaptable in the hands of the executive as it leads the legislature. In sharp contrast with the expectations indulged in at the outset, it confirms and strengthens (by expert advice on separated questions) the political organs; it gives no promise whatever of supplanting them.

JUGOSLAVIA

Attention must now be directed to another type of succession state, Yugoslavia, or, as she was called from 1919 to 1929, the Kingdom of the Serbs, Croats and Slovenes. The main line of our interest will not be the specific governmental institutions which they have created or adopted by importation. We must instead attempt a rough sketch of the political environment, and the pathology of her political conditions, in order to understand what are the possibilities and the prospects enjoyed by such states, for life in the strenuous conditions of this post-war period. Yugoslavia presents some of the phenomena that are common more or less to them all; but in some respects they are to be observed here in peculiarly exaggerated degree.

The name Yugoslavia refers to the fact that the inhabitants are people of Slavic language, and are of its southern (*jugo*) group. There are linguistic relations with Czechs, Poles, and Russians; these are all Slavs, with their share in that promise which prophets hold out of a great coming day for the Slavs as a whole, equal perhaps in promise of significance to the past and present of Latin and Teuton.

Geographic situation. Yugoslavia has a population of some 14,000,000, who live on an area of 96,134 square miles, which

corresponds roughly to Oregon, or to the combined area of New Jersey and Pennsylvania. There are vast agricultural, timber, mining, and power resources which await exploitation in this territory. Its geographic position, bordering on the Adriatic and astride of the Danube, might seem to promise it an important function as intermediary between western Europe and the Near East. The territory does not, however, quite reach the Aegean Sea, and the Danube not only meanders to the north but involves certain relations with other states which are not free from embarrassment. Yugoslav commerce has had to come to some sort of treaty terms with Greece for the permissive use of a portion of the great near-by port of Saloniki, this limited portion of the port directly under Yugoslav administration. For access to the Adriatic it might well have been expected that the port of Fiume would suffice, having been elaborately prepared for modern uses by the state of Hungary before the war. But Italian nationalist ambition thwarted this hope, under the inspiration of D'Annunzio and by the lawless enterprise of the Fascists. Since 1924 Fiume has had to be recognized as an Italian port, but for that very reason it is boycotted by the Yugoslavs; grass grows in its streets and on its magnificent docks. The little suburb of Susak, which was left to Yugoslavia, has become the active port, almost completely supplanting its great parent and neighbor Fiume as the Adriatic outlet for the Yugoslav commerce. Zara also, with a small number of intermediate islands, provides an Italian exception. Otherwise the whole Dalmatian coast, studded with islands and pierced by inlets, is in the possession of Yugoslavia, to the intense jealous pain of the Italian heir to Venetian empire. The history and the architectural memorials are Italian, but the population is Yugoslav, to the extent of some 97 per cent. Unfortunately, however, the Velebit and Dinaric Alps, running parallel to the seacoast and almost standing in the salt water, present an insuperable barrier to the profitable utilization of this coast by Yugoslavia. Only narrow gauge railways have yet pierced the mountains, at terrific grades; and automobile highways, grandly picturesque though they be, can hardly solve the problem of communication. With Italy unfriendly and Vienna

and Budapest in a decline, Jugoslavia must make the best of it and look southeast, down the Danube and toward the Aegean.

Memory of domination. As in the case of Greece and Bulgaria, there was once a time when Jugoslavs dominated the Balkan peninsula; this memory remains to inspire delusions of grandeur. But for four hundred years most of her modern history was a tale of suppression, and, so far as the Turks were concerned, of degrading oppression. The Hapsburg administration of Vienna and Budapest was enlightened and brought cultural benefits, but its autocracy was bent on denying self-rule, with its divisive influence. It consistently followed the ancient maxim "divide and rule." It is tragically true that that seed is now bearing its most characteristic fruit, though the sower has perished.

Population composite. The heritage of the fragments of Ottoman and Hapsburg empires which the heir has suddenly been called to realize upon and to organize, is exceedingly multifarious, and that is perhaps the most outstanding feature of the new state. Without one assured, self-confident stock upon which can be grafted the new additions, coöperation must somehow be contrived and secured from the following hopelessly diverse elements. There are Serbs of the pre-war areas of Serbia and Montenegro, which had become independent states, but were weak and doomed by their environment to a life of quarrels with their neighbors, the chief note of their nineteenth-century history being absolutism in the latter case, and in Serbia the bloody vendetta of two families claiming royal sovereignty on the strength of services to independence. There are Croats of Hungarian Croatia-Slavonia, and Slovenes of the Austrian provinces of Istria, Styria, and especially Carniola, with a mixture of Serbs and Croats in Dalmatia and elsewhere. These Croats and Slovenes have had the cultural and economic advantage of membership in the Austro-Hungarian Monarchy, which brought them roads and railroads and schools, and a general advancement far beyond the Serbs, though they had been deprived of experience in self-government. There are other South Slavs in the former Turkish provinces of Bosnia and Herzegovina, which were wrested from Turkey in 1878 and placed under a quasi-mandate

to the joint monarchy of Austria-Hungary, a preparatory step which was followed after thirty years by their formal annexation by that power in 1908—one of the direct causes of the catastrophe of 1914.

Religious divisions. This is putting the matter of Yugoslavia's composition at its simplest, far too simply indeed for historic and ethnic truth. Broadly speaking, her task of keeping alive is made especially difficult by her lack of the usual unifying social institutions—landed aristocracy and a united church hierarchy. The Yugoslav nationality is one of the instances in which religion, or rather ecclesiasticism, is a perilously divisive rather than an integrating force. A vertical straight line divides the Yugoslavs nearly equally between the East and the West, Orthodox Catholic and Roman Catholic, with all the fifteen hundred years of quarrels connoted by those names, from the use of the Cyrillic (Russian, quasi-Greek) rather than the Roman alphabet to the date of Easter and the adoption or rejection of the Gregorian calendar; not to speak of the orientation of the one group to the Orthodox Patriarch at Constantinople of old, to St. Petersburg later—the occidentation of the opposed group to the Catholic culture of Rome. Nearly one-eighth, furthermore, are Moslem, and the archduke's murder in 1914 was perpetrated under the minaret, at Bosnian Serajevo.

Serbia. An important nucleus of Yugoslav movement during the nineteenth century was Serbia, but here are further elements of division that must be mentioned. From 1804 to 1914 this little principality, pioneer in the struggle for freedom from the Turk and for independent sovereignty, was torn between conflicting urges, which long diminished the effectiveness of her leadership. Should she be more concerned with her near neighbor Hapsburg Austria, where she might find a market for her swine products and find among Austria's and Hungary's subjects her own brothers, or at least sharers in her blood and tongue? Or should she find cultural inspiration in the leadership of Holy Russia, far to the northeast, remote from the European culture pulsing in near-by Vienna, but—Slav rather than European? Her twentieth-century decision to throw in her lot with the kindred Slav tsardom was what made the anti-Austrian phase of

her modern diplomacy so violent, and led inexorably to the Serajevo assassination, where the Yugoslav movement manifestly constituted a deadly danger to the Hapsburg monarchy, resented and feared as mortal by German Vienna and Magyar Budapest alike. But the policy that was anti-Austrian was pro-Russian only so long as Romanov Russia was pro-Serb. The latter's attention sometimes wandered away to the rival Bulgarians; and it all came to an end in the Russian Revolution of 1917, which put a sudden termination to all Russian patronizing of Slav cousins, whether south, central or north, that is, Serb, Czech, or Polish.

South-Slav ideal. On the other hand, the Yugoslav ideal, as contrasted with the Pan-Serbian, had been not much more than an affair of a few intellectuals. It had been anti-Russian as well as anti-Austrian, and could not, under pre-war conditions, be acceptable to active politicians of any sort. Yet as the result of the war and the Russian Revolution, this South-Slav ideal suddenly became the natural and only feasible outcome. At Corfu in July, 1917, the refuge of the remaining fragments of the almost annihilated Serbian army, there was a declaration by the Serbian Pasich and the Dalmatian Trumbich for a single Yugoslav nation, under the reigning dynasty of Serbia, with a constitution that should be democratic and tolerant, based on universal suffrage and local autonomy. Very pretty as an ideal, but almost inconceivably difficult of realization, when the unifying pressures of war should be removed.

Dynastic rivalry. One more Serbian woe must be mentioned. The whole nineteenth-century tale of emancipation from Turkey had been streaked blood-red with vendetta. Two families had alternated in the leadership of the struggle for freedom, the Karageorgevitch (Black George) and the Obrenovitch dynasties of Serbian princelings. So recently as 1903 the Obrenovitch king Milan and his consort had been brutally murdered in their palace beds, their bodies hacked to pieces. The horrified world had been reluctantly compelled finally to recognize the *de facto* kingship of the Karageorgevitch king Peter. He himself seems to have been entirely innocent, but he profited by the popular and military revolt against the intolerable corruptions of his prede-

cessor's regime. It is his son Alexander, who as regent suffered with his soldiers the horrors of the World War, who succeeded to the throne of the united Serbs, Croats and Slovenes in 1921, and was assassinated in Marseilles in October, 1934.

The Slovenes. *S.H.S.* was the series of initials which had been used before the war to designate the principal participants in the South Slav movement. But it was only the last *S* that stood for the Serbs; for they were obviously retarded generations behind their western cousins in literacy, wealth and culture, the things of the European spiritual and economic world. Undisputed preëminence in these respects was acknowledged to the Slovenes, for whom the first *S* stood, and the Croats, designated (in a way not easily discernible to the English reader) by the *H*. But the letters were to be reversed as a result of the tremendous events of 1914-1919. The Slovenes were mostly in the Austrian provinces of Carniola and Istria. They had fought with the desperation of home-defenders against the Italian neighbor, whose irredentist hope and conquering ambition they rightly feared, as it finally succeeded in wresting away some three hundred thousand Slovenes, that is, about one-fifth of their race-group, who are now under the Italian flag. This policy of defense has made the Slovenes constant partisans of close Yugoslav unity. It is also pertinent to observe that the Slovene political experience had been gained, not in self-government, with the consequent sobering sense of responsibility, but in the sterile process of clever protesting in Vienna, as rightless fighters for recognition. Government was not something to carry on, but to criticize and thwart.

The Croats. The Croats had been under the Hungarian dominion. They had no love for Budapest, and were almost uninterruptedly quarreling with their Magyar suzerains. Their ambition was to win, if not an impracticable independence, at least a direct Viennese connection, which should give them a Croatian self-government of somewhat similar character to the autonomy which the Magyars had wrested from the Hapsburg in 1867, and which the Bohemians and Poles were struggling for in Prague and Cracow. Of this autonomy a considerable measure had been achieved, only to be canceled by a recrudescence

cence in recent pre-war years of Budapest autocracy. In any case, the World War had found the Slovenes and Croats fighting faithfully (as compared with the Czechs), and many of them genuinely if not enthusiastically, on the side of the Central Powers, while the Serbs, after their Black Hand plotters had started the whole imbroglio in the Serajevo assassination, suffered four and a half years of martyrdom—to come out in 1918 on the winning side.

Relation between constituent elements. All this historical reference has seemed necessary in order to introduce the fact which is today one of the most fundamental elements of the Yugoslav political structure, the relation among the three constituent elements of what is trying to regard itself as one Yugoslav nationality. (And to this ethnic group, incidentally, belong also the Bulgarians immediately to the southeast, with as much to bind them to the other three groups as any one of them has with the other two.)

Greater Serbia. The Serbs think of Yugoslavia as Greater Serbia. The constitution (1921) of the Kingdom of the Serbs, Croats and Slovenes, drafted by a constitutional *Skupština* (parliamentary assembly), dominated by the veteran Serbian statesman Pasich, was hardly more than a re-adapting of the Serbian constitution which he had been long operating, to the larger uses and needs of the enlarged kingdom. Instead of becoming the Piedmont of the South Slavs and losing herself to create the larger whole, she had become the over-mastering Prussia—Pasich being not the Cavour but the Bismarck. The Serbs were to dominate and manipulate the Slovenes and Croats (to omit, for simplicity's sake, the further complications involved in the Moslems of Bosnia-Herzegovina, the Montenegrin Serbs, the Dalmatian Serbo-Croats, the mixed populations of the ex-Hungarian Bachka, the Banat, and the Voivodina). Serbia proper having been devastated by the Austro-Hungarian and Bulgarian armies, compensation must be found in a tax-system and land-system applied by Serbian Belgrad to the Slovenes, Croats, etc., who had just been compelled to lay down their arms in submission. The ex-enemy Croat and Slovene, it was thought, might well be regarded as beholden to their Serb

brother for the necessary forgiveness and mercy at the hands of the now all-powerful Entente powers. Post-war passion was high, tolerant law-abidingness was low. It is not strange that resentments ruled, rather than persuasive, patient statesmanship.

Slovene-Croat discontent. This understandable if not pardonable megalomania of the Serbs had its natural consequences, which can be suggested by the analogy of the reconstruction period in the American South (1865-1870). The Slovenes and Croats, knowing themselves to be superior (literacy at the end of the war was 83 per cent among the Slovenes to 20 per cent among the Serbs), find their new state entirely in the hands of what the "unreconstructed" Southerner called "scalawags" and "carpet-baggers." But there has been nothing corresponding to the reconquest of our South by the socially influential classes. Under the new constitution the Serbs at once monopolized military and administrative power, and they still hold it, with a centralization of administration that is galling to Slovenes, accustomed to Austrian complaisance, and even more to Croats, who had long ago conquered considerable constitutional autonomy from the Magyars. Both these groups, while sharing somewhat in the sense of Yugoslav unity and independence, desire that unity to be in a European, not a Balkan, type of statehood. They feel that in many practical respects, such as taxation, education, etc., they are little better off than before the achievement of independence, the Serb being no better master than the Austrian or the Magyar, manifestly a good bit lower in civilization, and naturally much harder as the consequence of the grueling experiences that Serbia has passed through, two exhausting Balkan wars in 1912-1913, and an almost complete annihilation from 1915 to 1918. The Serb may be, as some opine, the "best soldier in Europe," but his excellence is in the field and trench rather than at the desk of administration or the forum of parliamentary debate. Croatia thinks of herself as the Yugoslav brain, she had expected her Zagreb to be the Yugoslav capital city; she thought Serbian Belgrad to be the barracks. Under the constitution of 1921 she felt as would we in a Pan-American Union that was inspired by Paraguay, with Asunción its capital.

Pasich constitution of 1921. These considerations may suggest why the working of constitutional government in the Kingdom of the Serbs, Croats and Slovenes has been so disappointing. The written document of 1921 secured a majority only by Pasich's purchasing the support of the Moslem magnates through a heavy state subsidy, which he paid them for the lands which were to be granted to the landless but patriotically deserving soldier peasants. The Croats on this occasion abstained from voting. The constitution did, to be sure, provide explicitly for ministerial responsibility, and this had the good fortune not to be an imported novelty, but the continuation of preceding practice in Serbia. Interpellations might be ignored by ministers, but the mere putting of them had a useful effect upon public opinion. Parties were not excessively numerous; there were the Radicals, Democrats, Independent Democrats, Croatian Peasants, Slovene Clerical Populists, Bosnian Moslems, with fairly steady strength from election to election, their party clubs sending proportionate delegations to the seven standing committees. (There were 58 Communists elected in 1920, but they were suppressed by law, as being responsible for assassination attempts.) But these half-dozen parties were too nearly alike in size, and too sharply competitive in behalf of vital interests to play fairly the game of compromise. Without tolerant patience, each group's natural reaction to its grievance made matters worse.

Instability in Parliament. The chief arena of the constitutional and political conflict among the South-Slav sub-nationalities was the single-chambered Parliament (*Skupština*). Whatever the suffrage, perhaps especially because of proportional representation, the sectional groups elected sectional delegations which hardened into mere factions. Never could there be a majority for one party. The resulting coalitions were so unstable that Cabinets succeeded each other with bewildering rapidity, with four months' expectation of life on the average. Parliament's record of legislation was barren, almost an absolute blank. Legislation could not be provided save by royal decree. The king felt increasingly that the parliamentary mechanism had broken down, that the very life of the South-Slav Union was in danger.

Raditch. The career of Stephan Raditch introduced a special complication. Deemed by the peasants of Croatia to be a saint, almost a Messiah, he was extreme and intolerant in his demands; but the chief difficulty was that he was unstable in the maintenance of his demands, hard to tie to and do business with; flirting now with Moscow and then again with the "Green International," but by no means firmly adhering to either; sometimes permitting his large party following to go to Belgrad and to participate in the *Skupshтина*, more often withdrawing them in high dudgeon to the Croat capital Zagreb. At one time he even suggested to the king the establishment of a military dictatorship, which at that time Alexander patriotically refused, being firmly resolved at least to keep politics out of the army, whatever later might turn out to be his views on the army in politics. But more often Raditch seemed to be chiefly striving to establish a loose federal scheme in which Croatia as a republic could enjoy real independent self-government, free from the Serbian "satraps" sent out from Belgrad; she would only coöperate with the Slovenes, Serbs, and others in the conduct of foreign relations. In social policy he wanted to dissolve the great landed estates, where they still were found; but this was no communism, rather a belief in widely shared real property to be held by many small landholders. Whatever might have come in the long run from his fiery eloquence and the fanatical devotion of his followers, Raditch's career was tragically ended by an enraged Macedonian Serb, who in a parliamentary session of July, 1928, opened fire on the members from Croatia with deadly effect. Now that Raditch is dead (and cannot commit bewildering inconsistencies) his influence has acquired a myth-value, a firm set furthermore that is like martyrdom; and it is all for Croatian nationalism, denying that there is such a thing as genuine Yugoslav nationality. Under Raditch's successor Machek, the Croatian Peasant party withdrew to Zagreb and seemed to prepare to live their own constitutional life by themselves.

Royal dictatorship. Faced with this parliamentary confusion and these possibilities of secession, the king, after what seems like a long period of genuine patience, finally decided (January, 1929) to suspend the parliamentary constitution by royal proc-

lamation, a pure *coup d'état*. Ministers were made responsible to the king alone. They were chosen, however, not only from Serbia but from other sections in due proportion; so also diplomats and army officers. Ministers were appointed who were mostly technicians rather than parliamentarians. Parties were prohibited, the press muzzled, and a regime was established such as is usually called dictatorial. Though opinions differ, there seem to be good grounds for believing not only that administrative vigor was injected, but that graft was considerably cleaned out. The king may have meant that this dictatorial phase should be short, a temporary receivership in his own hands to tide over what he regarded as the immediate danger of national dissolution. But it was already nearing the end of its sixth year when he was assassinated in October, 1934.

Royal constitution of 1931. King Alexander was a strenuous worker and held all the threads of government in his own hands. It has yet to be seen what will remain of so personal a regime when the integrating personality is eliminated. He had introduced an apparent constitutional change in the middle of this dictator period. Yielding perhaps to the requirements of constitutional appearances, to win the good opinion of the West European world, he had caused the promulgation of a new constitution in September, 1931, which provided a Parliament once more. This is alleged to be hand-picked, and it certainly gave his personal regime little trouble. The novelty is its bicameralism. A Senate was created, one-half elected indirectly on a six-year term by a very limited electorate which is itself under royal influence; the other half is appointed by the king. The Chamber of Deputies, of 305 members, is elected directly for four years, but the voting is oral, that is to say, under observation and presumably under control of the police. In further imitation of the Mussolinian system of 1923, and for much the same reason, to secure a workable Parliament, the Chamber is composed, to the extent of two-thirds of the members, of whatever list has won a plurality of votes, the remaining one-third being distributed proportionally among the other parties. There are supposed to be no parties, but it may be observed that of the triumphant list in the election of November 22, 1931, 145 were

persons who had been Serbian Radicals (Pasich's main reliance), 57 had been Democrats, 28 Croatian Peasants. There was no systematic cult of any one dominant party, like that of the Italian Fascists, but at least the role of leader was played by General Zhivkovitch, who had been King Alexander's right hand man throughout the dictatorship, and who appeared at the head of the victorious list. His chief role, however, has been that of minister of war, an office which the Serbian constitution, like the Japanese, has always kept for a professional soldier, free from popular or parliamentary influence.

Administration by the *Ban*. The administration was dealt with in compromising fashion. In place of the division of the nation into thirty-three areas under obviously centralistic control, each too small and weak to be anything but a satrapy of Belgrad, nine new *banats* were created, areas named not from history with its constant suggestion of division and enmity, but from rivers, a procedure which reminds one of revolutionary France, abolishing her historic provinces to institute *départements*. But such map-making suggests the gerrymander motive, and it has been observed that the Serbs, though only 48 per cent of the total population, constitute a majority in six out of the nine *banats*. Needless to say, the *ban* (governor) is appointed by the king. Yet in this new area there is at least the suggestion of a conscious new effort to live a new life, not continue the quarrels, but realize the common ambition of all Yugoslavia. One achievement, indeed, may be recorded: the name of the state was changed (October, 1929) from the Kingdom of the Serbs, Croats and Slovenes, with its suggestion of quarrels about priority, to the innocent appellation, devoid of history, the Kingdom of Yugoslavia.

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CHAPTER X

L A T I N A M E R I C A

The social aggregate called Latin America, even though there be no such political entity, is of high importance to citizens of the United States. Many of us, if not entirely unaware of the presence of our American neighbors, misunderstand them by over-simplification. It is as absurd to comprehend Argentina and Paraguay and Guatemala under the one category of "Latin American" states as to fuse Londoner and Albanian as forming a "European" type, or New Yorker and Eskimo as "North American." Although the peoples south of the Rio Grande have as good a right as we to the name "American," history and local circumstances have made their constitutional evolution during the last hundred years vastly different from our own. But they share with the United States the peculiar fact that both have experienced constitutional development in an economically new continent that was waiting to be exploited.

Spanish and other Latins. The term Latin is broad enough to include the Portuguese influence in Brazil, which is the largest state of all, larger indeed than our continental United States. There is also the French-speaking republic of Haiti, which occupies one-third of the fertile island lying between Cuba and Porto Rico. There is a fast-growing Italian influence in two of the most advanced countries, Argentina and Uruguay. But the great bulk of European influence in eighteen states is Spanish, beginning in the sixteenth century of exploration and conquest, and continuing ever since as the main European stock.

Native Americans. The use of these four European languages by certain groups of European origin must not, however, obscure the more important fact that the great mass of the population in most of these states is of native Indian stock, either pure or *mestizo*; and that negroes¹ or mulattoes are numerous in sev-

¹ The color line, however, is much less rigidly drawn than in the United States.

eral regions. The natives have been assimilated rather than, as in our case, largely exterminated. Or perhaps it should rather be said that the native American stock assimilated, more or less, the European immigrants, giving to the resultant population a mixed and varied character, the European influence dominating in ideas but directly affecting only a small minority.

The states may dubiously and very roughly be considered as of three classes¹ in point of advancement and stability. With some exceptions the states south of the equator have traveled far beyond the Caribbean states (both island and mainland) on the road from original turbulence and force-government toward constitutional stability based on law. It is essentially false to speak of Argentina, Chile, Uruguay and Brazil as if they were still characterized by political qualities and processes that prevail in Honduras, though plenty of similar precedents can be cited in their own history, now happily remote.

Sparseness of population. Political conditions are deeply affected by certain geographic factors, especially the immense area and the relatively sparse population. Even within one state the regions are separated by mountain, desert, and jungle, and

	<i>Population</i>	<i>Square Miles</i>
¹ I. Argentina	11,500,000	1,153,000
Brazil	40,275,000	3,275,000
Chile	4,300,000	285,000
Costa Rica	470,000	23,000
Uruguay	1,900,000	72,000
II. Bolivia	3,000,000	514,000
Colombia	7,850,000	447,000
Cuba	3,640,000	44,000
Mexico	16,500,000	767,000
Panama	468,000	32,000
Peru ..	6,150,000	532,000
Salvador	1,440,000	13,000
Venezuela	3,200,000	393,000
III. Dominica	1,200,000	19,000
Ecuador	2,500,000	275,000
Guatemala	2,000,000	48,000
Haiti	2,300,000	10,000
Honduras	860,000	44,000
Nicaragua	750,000	51,000
Paraguay	850,000	61,000

population density is only 13.7 to the square mile. Colombia is equal in size to two Germanys, Mexico to seven Italys. Both Bolivia and Venezuela are twice the size of Texas. Uruguay, the smallest state in South America, is equal in size to North Dakota, and much larger than all the six states of New England. In population the states range from Brazil with 40 millions down to Costa Rica and Panama, with about 470,000 each. If we omit the three most and the three least populous, the average Latin American state is nearly five times as large as Ohio, with a population less than half as large, a population density of 14.6, as compared with Ohio's 162.

Ethnic variety. There is great variety among Indian bloods. The Araucanians made a remarkable contribution of vigor and endurance to the population of Chile. With these must be contrasted the sullen, degraded aborigines of Bolivia, and of much of the Caribbean area. Similarly, there was variety of Spanish stocks. Topography divided the Spanish peninsula into sharply distinct regions, and these distinctions were emphasized by such historical episodes as the expulsion of the Moors and such economic circumstances as contact with the sea. The Basques of the northeast are recognized to have given an especially vigorous tone to Argentina and Uruguay. Similarly, the Gallegos of the northwest were venturesome in exploration and hardy in agriculture; it is they who have made Costa Rica stand out as sharply exceptional among Central American states, proud of possessing more schoolteachers than soldiers.

Variety among ethnic ingredients has had its effects in the story of the conquest of independence, and of the subsequent development or retrogression. This matter is extremely important when one attempts to judge a local situation, a state's possibility of survival, and especially the possibility of union among states. Central America seems on the surface to be designed for federal union; yet the ethnic inheritance puts Costa Rica definitely apart from Guatemala, the one almost purely Spanish, the latter almost purely Indian. Salvador, Nicaragua and Honduras are in varying degrees a mediating type, but on the whole it must be admitted that the prospect of federal union is slight and

indistinct. Negro blood is found, almost pure in Haiti, heavily mixed with Spanish in the Dominican Republic, and in the enormous jungle states of northern Brazil. Pure Indians are a vast majority in Peru, Bolivia, Ecuador, and Paraguay. They speak little Spanish, are practically a distinct, semi-servile community; indirectly of vast importance as a dead weight, they play no direct part in the political life of the state. This role is monopolized by the Spanish-speaking elements, creole and *mestizo*, in all the states (Portuguese of course in Brazil).

Leading powers. Exception has been made for Costa Rica. But more important is the vast superiority in wealth and stability of the leading states of South America, a group sometimes referred to as the A B C powers, yet properly including Uruguay. But the alphabetical order must not be taken too seriously. Chile, though relatively small, was in advance of some of her neighbors; to her we shall return for a brief special sketch. But first we must note a few characteristics of the Latin American states taken collectively, hazardous though it may be to make any general assertion about this group of communities, since they vary as sharply and as deeply among themselves as do the states of Europe.

Latin influence. Notwithstanding all this variety, the word Latin must not be forgotten. It still suggests the basic language, the Roman heritage of Civil Law, the Mediterranean culture, which is found widespread in the thin upper crust of society. During the last half century the social elite have thought of Paris as the metropolis of their world, whence to import costume, book and music, whither to flee for refuge when home politics become too hot for one's comfort. But so thinly superficial is this influence that one acute commentator calls the very name Latin an "article of luxury" imported from Paris. The real American people are of course the aborigines, a great variety of what we call "Indians." Their empty hunting-grounds inviting immigration, their little-used mineral resources calling for exploitation, the opportunity for the poor to better their lot by contact with Nature's bounty—these circumstances made America a golden magnet (*El Dorado*) to South Europeans. But there was need of capital and enterprise as well as of labor

to develop these resources; this meant the arrival of foreign ideas and ambitions as well, involving problems of imperialism, oppression, mutual fear and hatred. Speaking broadly, the Indian population is worse rather than better off, after three and a half centuries of contact with the exploiting Conquistadores of the white race. Yet they remained on the ground to complicate the political problem, were not exterminated or driven into miserable "reservations" as in North America. Since the colonizing Spaniard was mainly concerned to win precious metals and converts, and did not respect labor as did the Anglo-Saxon in North America, the Indian was retained and the Negro imported to dig and hew and drag under the lash. The resulting servile relation had evil results for oppressor as well as oppressed, and goes far to explain the backwardness of those areas where the non-whites remain a great majority of the population.

Political disunity. Settled in regions that are almost inaccessible to each other, the Latin American peoples are found in twenty independent states, which is an astonishingly large proportion of the world's paltry five dozen. But there is a curious mixture of terms in this remark; for their "nationality," in the usual sense of that term, is very largely a single one, shared with only slight variations among all these states. This ethnic unity is manifestly real, as regards Spanish (or Portuguese) and Indian blood, Spanish language, Spanish traditions in social and political culture. Yet these states, though apparently destined for unity, according to the principles that obtain in Europe and North America, since many of them are tiny, and all are relatively weak and backward—remain proudly, fiercely independent of one another. With relatively little sense of their common need and the potentiality of progress in common action, they refuse to federate or unite, and their one sense of common policy at the present day seems to be a sharing of Yankee-phobia; though it might well be answered that it is only as the result of the Monroe Doctrine and its far-reaching effects that these twenty states have been able to maintain independence, have not been absorbed by European empires or driven perforce to a merger in self-defense.

Constitutional evolution. We may observe certain tendencies of their internal constitutional evolution. They began, one and all, with written constitutions that were contrived in frank imitation of the Philadelphia constitution of 1787. In Bolívar the Venezuelan, and San Martín the Argentinian, who were both generals and statesmen, they were proud to see somewhat near approximations to the type of George Washington. There was even a hope of Latin American Union, like that of the northern continent. Both these great men, however, after years of disappointing experience, came to realize the futility of expecting any such national career, in view of the wide spread of poverty, ignorance, and mutual jealousy; they retired in despair. Yet it was hardly conceivable that their recommendation should have been accepted, that in view of the difficulties of republican self-government monarchy was to be preferred.

Spanish empire tradition. The tradition on which the constitution-framers had to build was almost the precise opposite of what could be used in Philadelphia. The Spanish empire had accustomed men to concentration rather than a separation of powers; to autocratic government by an individual rather than popular self-government, the settling of decisions by military command rather than by political persuasion.

Effect of war. In the process of achieving independence there was little unified action, hence Latin America quickly broke up into many fragments that were filled with mutual fear and hate. There were many instances of romantic personal participation in each other's struggle, like Lafayette's in ours, but there was no systematic aid rendered by any outside state, such as France's indispensable contribution of troops, money and especially Grasse's fleet, that made possible Washington's defeat of Cornwallis at Yorktown. One result of this was that the Latin American independence movement was long, and socially devastating. Beginning in 1810, the struggle continued almost fifteen years, gradually wearing out all social bonds save the military, all but completely destroying the tradition of social deference and law-abiding obedience.

Caudillo system. As the natural result of many years of campaigning for the expulsion of the Spanish empire, there

ensued the *caudillo* system of social organization. This is based on the domination of followers by a personal commander. After the breakdown of the Spanish administrative authority the only prestige remaining was that of military success. The guerrilla leader found it impossible to resist the temptation to remain as political *jefe* (boss). It was too much to ask Cincinnatus to return to the plow when it was manifest that except for Cincinnatus there was no reliable source of authority that could defend society against anarchy. But the evil result was despotism, absolute though sometimes benevolent; power resting on force not law, on personal audacity rather than legality. And this was true on the local as well as on the national scale: city was jealous of city, rural regions distrusted ports. Statehood bade fair to break down into anarchy, except as men of bold, forceful initiative seized authority into their own hands. This was the "age of the dictators." By *pronunciamento* (proclamation) a leader would set forth his interpretation of the constitution, or more probably an entirely new constitution. Those who would yield and obey might expect to share in the good things. Those who resisted, even though it were in the name of formal law and order, were eliminated.

Soldier-politics. The soldier-politician was the normal product of this post-war militarism. His followers were ignorant, poverty-stricken, in fear, looking for a protector, precisely like the henchmen of a lord in the earlier feudalism of Europe. He found a written constitution that required elections, and accordingly elections were staged. But they quickly became farcical. All men became accustomed to bullets, not ballots, as effective means of determining political questions. If the result of a balloting did not correspond to the dominant forces, then bulleting took its place. Military victory actual or potential was the real thing. Political victory was made to correspond.

The master of a situation might be called president or protector or even emperor; that signified little. He absorbed political and judicial powers into his own hands, exploiting the national resources to the benefit of himself and his friends. Congress was elected at the point of his bayonet, and became his subservient tool. Opposition groups had no hope of political

change except by revolution; the president therefore provided himself with military and police agencies for maintaining himself in office at all hazards. When at last his conduct of affairs was no longer endurable, men rose and put an end to it. When, that is, the actual political forces were no longer those represented by the nominal holder of office, there came a crisis and fall. Since the tenure of office was only nominally in terms of law, actually was in terms of force, the change had to be in the same terms. There would be a challenge, a testing of military strength, supplemented occasionally by the purchase of garrisons or hostile military forces, which might occasion very little bloodshed; but it was sufficiently determinative. The ex-president, if he had been canny enough to discern what was coming, took refuge in a strong foreign state's legation, slipped away betimes to enjoy his ill-gotten gains or to nurse his grudge in Paris: unless indeed he saw a chance for the future and remained in a nearby Latin American state, to plot for the redemption of his lost power as soon as a convenient occasion might arise. The *caudillo* who learned his role to a sufficient degree of mastery rose to the position of a Rosas (in Argentina 1835-1852), a Francia (in Paraguay 1817-1840), or—most symptomatic and significant of all—a Porfirio Diaz in Mexico, who remained in power by the methods of a Machiavellian prince, from 1877 almost uninterrupted until so recent a date as 1911.

Political degeneration. During the Spanish regime, there had been practically no experience of self-government, its privileges or its obligations, nothing to suggest or develop the operation of a watchful public opinion that could be active and successful in choosing trusted officials, advising them as to their policy and compelling them by supervision to a strict adherence to duty. The Congress therefore had no vital tradition to go upon or to develop. In many instances it became a mere puppet of the president, confirming the growing opinion that constitutional institutions were unreal, unmeaning except as a mask under which the despotism of force and fraud might be continued. The ballot was not effectively available for any constructive purpose. The brutalized mass of Indians and lower half-breeds were not even supposed to have it. Those who had

it were induced to neglect its use, through fear or corruption. It became a mere pretense. An ignorant brutalized mass cannot regenerate itself into an active-minded community by means of the ballot, but it may become accustomed to regard the ballot as a symbol of the unreality of political, constitutional forms; it may thus become all the more readily a prey to suggestions of force-revolution.

Democracies of ruling classes. Neither republicanism, then, nor real democracy was to be found among these South and Central American states. Even where militarism was outgrown, in the words of Carlos Davila, former Chilean ambassador to the United States, "republics in Latin America always belonged to the elite. They were democracies of the ruling classes." High property qualifications were the rule, in the constitutional provisions for executive officers and representative assemblies. The vast, illiterate, inarticulate mass could know nothing of the meaning of the written constitution. They had little more to do with government than the slaves in our own South. So far as this class of persons is concerned they are still in the same position, a fact which explains some of the political characteristics of Guatemala, Bolivia, Haiti, and the Dominican Republic.

As might have been expected under the circumstances of Latin America, the judicial power became completely subordinate to the will of the executive. In many instances judges held office at the president's pleasure, and the quality of justice dispensed was low. The law, according to the books, was mostly an ambitious attempt to adapt the Napoleonic code to local needs. But its real quality and its administration varied infinitely with the quality of the governing classes, and often with the whim or private purposes of dictators. Military service was generally obligatory, but exemption was purchaseable. That is, the able-bodied poor were subject to be drafted and drilled for the dictator's purposes. The quick-witted and the well-to-do might vote and plot.

Federalism. Partly under the influence of the North American example, partly as the result of the wide distribution of a thin population in vast spaces, with social groups lacking in homogeneity and widely varying in their needs, federalism seemed in some instances to be indicated as the suitable method

of combining and compromising the needs of parts and whole. But the result of a century of history, revolts and conquests, is that legal federalism is unreal; in some nominal federations the states have become provinces, the governors are really prefects designated by the ruling power at the federal capital. The states copy federal law and administration, subject to the dictation of the all-powerful president. It may well be that uniformity, or at least close unity, has been necessary as the only alternative to anarchy and civil war.

Presidential succession. *Continuism* is the name that has been invented for a feature of the system of presidential succession, which has always been a matter of painful dispute. Almost invariably the written constitution began by forbidding that a president be elected to succeed himself. Under the circumstances that have been described, it is inevitable that a president must expect and demand a continuance of the political and economic power he has acquired. In some cases the law is winked at. Porfirio Diaz, having conquered office and functioned as president of Mexico from 1877 to 1880, heroically remained out of the presidency for four years; but having secured reelection in 1884, he recognized the realities of the situation, caused the constitutional prohibition to be repealed and was repeatedly reelected, by beat of drum as it were, until 1911. Other states have used other methods, such as forbidding any reelection or requiring an interval of two presidential terms before reelection. The problem must be regarded as still unsolved; for if a president does actually observe the letter of the law, he is almost sure to kill its spirit by procuring the election of a faithful henchman who will merely go through the motions of being president, while the real power is behind the throne. This custom is only another contribution to Latin America's unfortunate accumulation of constitutional unrealities, each of which makes it more difficult to cultivate a true appreciation of legal institutions, and the spirit of law-abidingness.

Political parties. In most of the Latin American states the power of presidents has been mitigated or at least complicated by the presence of congressmen in political parties. These groups were composed of the thin upper crust of the social

fabric, creoles and slightly educated *mestizos*. They provided material for the master mind in the president's palace to manipulate, possibly to lead, normally to corrupt and coerce. Naturally it is impossible to characterize these parties in anything but the most general terms. Usually there is a tradition of Liberals *versus* Conservatives. The Liberals make great play of their defense of the French Revolution philosophy, of "liberty, equality, and fraternity." By their opponents they are called anarchists, a caricature of their proudly proclaimed passion for liberty. They reciprocate by calling the Conservatives "Serviles," alluding to the latter's tendency to authoritarianism. The Liberals are under the influence of Freemasonry; they would disestablish the Roman Catholic Church, and are hostile to its Orders. To defend the Church and its privileges, therefore, becomes one of the most conspicuous tenets of the Conservatives. This contrast results in what one would expect as to the parties' attitudes regarding public education, so far as that problem has been dealt with at all: the Liberals want a free, unclerical, "atheist" education, the Conservatives have absolute confidence in the priest and the bishop. The Liberals are more likely to suspect one-man power and to trust to federalism; the Conservatives, with a quasi-monarchistic tendency, are inclined to centralization and a high integration of authority. Nevertheless, with the rise and fall of personal fortunes, there have been dictators who called themselves Liberal, and many a rebel force flies the Conservative flag. The Liberals are more likely to insist upon autonomy in economic life, the Conservatives to welcome British and American capital, even if that means a foreign influence upon the state's policy.

International relations. A few words must be said regarding American international relations; for the power of the United States to recognize the results of revolutions or withhold recognition of new governments has made our gravitational pull an overpowering influence upon the *internal* government of our neighbors within and around the Caribbean Sea. One need merely mention the war of 1898 which expelled Spain from Cuba and brought Porto Rico into the American colonial empire; the premature recognition of the Panama republic (1903) by Theo-

dore Roosevelt in order to "take," as he boasted, the Canal Zone; and a long succession of other "Big Stick" and "Dollar Diplomacy" manifestations of the attitude of the United States. These suggest how the American canal policy has spread, together with financial controls, and recognitions given or refused, to make the United States seem a "Colossus of the North," feared and largely distrusted by the nine mainland and three island republics of the Caribbean area. This dominating influence, which is both economic and political, has not even stopped at the equator; for Peru, and some of her neighbors, thousands of miles distant from us, are within the same circle, charmed or bewitched by Wall Street loans to governments and investments in business. Financial supervision has been imposed to protect their credit and forestall intervention by European creditors. Election rivals have been recognized or refused recognition according to their policy, friendly or otherwise, to the investor and industrial manager from north of the Rio Grande. Actual intervention, technically speaking, has been infrequent, but its potentiality is enormous and imposing. The resulting fear and distrust extend in a measure as far south as Cape Horn.

American Policy. Our own attitude seems to them of equivocal character. Since the days of Secretary Blaine (1889) conferences have been held at the various capitals, to facilitate economic coöperation and cultural exchange among all the twenty-one American republics. Coöperation is the key-note of the Pan-American Union, so far as the United States of America can make the idea real. The Monroe Doctrine, on the other hand, is a completely one-sided policy of the United States, namely, to view with an unfriendly eye any interference by European states looking to the enlargement of European empires on this side of the Atlantic or to the European control of the destinies of American states. The Doctrine has meant all things to all men in the White House, but at least one thing it has *not* meant—coöperative political action by the twenty-one American states. The resulting ill-feeling, as South American states have grown powerful, constitutes an increasingly difficult problem for United States foreign policy. Franklin D. Roosevelt's "good neighbor" policy is not new with him; there were precedents for

it contributed by Elihu Root and Herbert Hoover. But that policy has often been interrupted by selfish interference, and by the incidental presence of marines in Haiti, Dominica, and Nicaragua, threatening what Latins fear might become a repetition of Britain's imperialism in Asia.

CHILE

An outstanding example. We conclude with a brief note upon Chile as an outstanding example of what can emerge in Latin America out of the confusion of weak government and despotism masquerading as "dictatorship." In the opinion of Lord Bryce, "Chile is of all the Latin American states the one which best answers to the European or North American notion of a free constitutional commonwealth, one of the chief reasons being that her population is unusually homogeneous and unusually concentrated within a comparatively small area." In frankness we must admit that her recent record (since Bryce wrote) has not been free from revolution; and also that in stability she does not stand alone. Still, it is true to say that she is a leader, an outstanding example of the possibility of Latin American states rising out of anarchy and feudalism, through oligarchy towards aristocracy.

Constitution. Chile had her period of dictatorship, but was rid of it within a decade and a half after her achievement of independence. Her successive masters bore the usual mixed characters of military adventurer and budding statesman; one had the surprising name of O'Higgins. He and his colleagues and rivals were human, but they had the penetration and heroic public spirit to realize that they must teach their subjects how to dispense with their own services. By 1833 the state had proceeded to the stage of drafting a definitive constitution—the document had had many experimental predecessors. This frame of government was really drafted by a constitutional convention, which contained genuine parties and leaders; such for example as Egana, who has been called the Alexander Hamilton, and Ganderillas, who was more nearly in the position of our own James Madison. The constitutional compromise arrived at was so suitable to the circumstances that it remained in actual force

with few amendments for nearly a century, to be superseded in 1925 by a new document, drafted by a commission, and proclaimed in force after a referendum.

Presidential domination. The system of government was in close correspondence to the system of society, a narrow oligarchy of land-owners, to whom the mass of the population naturally gave deference, the Church teaching humility and docility by way of supporting the constituted authority, rendering to Caesar the things that are Caesar's. As there was a large proportion of illiterates in the population, the suffrage was extremely limited, mainly defined by property qualifications. The president indeed was expected to use a large measure of discretion in picking the members of congress, as did Walpole in picking his coterie for the English House of Commons in the eighteenth century. For thirty years the presidency was the dominating institution, conducting government in a frankly conservative sense; but beginning with 1861 there came a generation of more liberal leadership. The land-holding aristocracy formed a coherent governing class which could divide into parties and yet coöperate in making the governmental game go on. They could yield power to each other without violence, knowing that it would soon return, in what became a traditional rotation in office. There was great freedom of parliamentary debate, which was conducted with decorum, without systematic obstruction, with little set speechmaking, but rather by informal conversation, such as normally goes on in the English House of Lords. Ministry rapidly succeeded ministry, as coalitions of parties formed and dissolved; but there was little interruption of the continuous pursuit of the nation's interest by what was, after all, a single close-knit governing class.

Balmaceda. Four presidents succeeded each other in five-year terms and reëlective terms, from 1831 to 1871. Then the constitution was amended to forbid even one reëlection. Presidents, however, continued to exercise large influence in the selection of their successors. In 1891 occurred Chile's most notable constitutional crisis, the Balmaceda "civil war." This was not, however, of the type of disorder with which most of Latin America is familiar. The president had a weaker legal case than

the Congress against which he was contending, and he failed; he was, however, not only ambitious, but a man of ideas, and the ideas remained to inspire his partisans after his own defeat and elimination—his suicide after his final defeat conferring an aura of martyrdom upon his party's ideas. Another unusual feature of this contest, as compared with most Latin American revolutions, was that both sides, the presidential and the congressional groups, contesting for control, offered payment of interest to the nation's foreign creditors, by way of enhancing their own constitutional prestige. Balmaceda had been a strong believer that Parliament should be subject to an energetic leadership, to be given it by the president. His failure, after a brief attempt to rule without a budget, in temporary defiance of Parliament's rights, followed by a clash of arms during several months, had the natural consequence of enhancing Parliament's consciousness of its dignity and power, by way of reaction. The whole episode, indeed, led to a period of relative presidential impotence. Yet electoral corruption was rife, parliamentary parties became (under proportional representation) numerous, small and personal, Ministries based on their dissolving and recombining coalitions rose and fell at intervals of three or four months. The prestige of the oligarchical system suffered a serious decline.

Post-war. The years since the European War have seen the long and checkered career of the self-made man and popular orator Arturo Alessandri, who revived Balmaceda's ambitions for the exaltation of the presidential office, but also stood on a platform of enlarged democratic influence in law and social justice. This personal episode has combined with the unprecedented economic distresses resulting from the depression and from the disruption of Chile's former bonanza, the nitrate industry, to produce grave disturbance of constitutional equilibrium. There have been serious breaches of the law by statesmen in high place, revolts by laborers and students, usurpations of power by military men, and even an experiment in dictatorship (by Ibáñez, 1927-1931) after the manner of Primo de Rivera in Spain.

On the whole, nevertheless, considering all the economic and social difficulties, the constitutional career of Chile (and simi-

larly, of her great neighbors south of the equator) entitles us to end this superficial survey of Latin America on a note of hope. While it is true that some American states have lamentably degenerated since independence, certain others have manifestly advanced; not only in consequence of prosperity, but also in spite of adversity, not only in wealth but in the appreciation of legality and justice.

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CHAPTER XI

J A P A N

Japanese government and politics constitutes a new but at once an obvious and indispensable topic of inquiry to the American student. As a consequence of geographical and historical circumstances our own country has become vitally concerned with her conduct or policy; as a trans-Pacific neighbor, her coöperation or competition has become one of the major interests of our international relations. Hence it imperatively behooves us to learn something of Japan's governmental organization, and of the mental habits and social conditions that have determining influence on her planning and conducting of political affairs.

Population pressure. It requires a distinct effort for us to realize that, having an area comparable with that of California, she is three-fourths as populous as the whole United States, and has a net annual growth of over 900,000 souls. Considering that a very large part of the area of the four principal islands is mountainous and sterile, this extraordinarily high density of population (347 per square mile) signifies severe overcrowding, and for the masses a pitifully low standard of economic life. But even this population pressure and consequent destitution is of less importance than her newness as a world state, and the suddenness of the social transformation she has undergone.

Oriental in spirit. Within the life period of many persons we know, Japan has emerged from the isolation and inaccessibility proverbial of Tibet, and become a potent force in the modern world. In sixty years her economic institutions have made a sudden, almost miraculous, leap from the sixteenth century to the twentieth, her ideas from the medieval to the up-to-date. Deep study and selective imitation, mostly of European systems of law and government and of American business and social practice, have brought into her life much that is modern and

occidental. But it would be an error to conclude that Japan has become European, or laid aside her fundamentally oriental character. Parliaments and courts may be imported almost as easily as silk hats and frock coats, but what really counts is the body to which they must be fitted and the indwelling spirit that is to employ such imported equipment, and here we are less sure of what is going on under the surface. One must be especially on guard against too easy inference as to the meaning of familiar names, such as minister, party, loyalty, emperor. Speaking at large, moreover, it is probable that the tradition of many past centuries is at least as powerful a factor in Japanese political life as is the whole paraphernalia of recent innovations.

Unity. It is important to observe at once that in this amazing transformation, such as it is, much of the success has been due to the remarkable degree of racial and spiritual unity that is characteristic of the Japanese nation. This oneness has been cultivated by the universal religious worship of the emperor as symbol of the nation's life. There is also the markedly military character of her feudalism and the unbounded personal devotion of liegemen to their lord (the spirit of the samurai, called *Bushido*) that was for centuries characteristic of Japan. This spirit seems to be giving place in recent days to a more mechanical militarism that bodes little good to a nation that has ambitions after mature spiritual culture. In these respects, the two oriental communities of Japan and China are poles apart.

Restoration of emperor. Briefly summarized, the events of Japan's combined process of importation and adaptation of western institutions, if not western spirit, are the following. In 1854, on the insistence of the President of the United States acting through Commodore Matthew Perry, Japan began reluctantly, after two centuries of complete isolation, to open herself to western influences. In 1868 took place what was called the "restoration" of the direct, absolute power of the emperor (sometimes referred to by the poetical title of Mikado). This change signified, for one thing, the complete and systematic abolition of the *Shogun*, that "supreme commander" who during several centuries of hereditary succession had stood in the actual position of autocratic administrator of government. The

Shogun had acquired a dominance like that of the Carolingian *major domo* of the eighth century Merovingian sovereign of Western Europe, keeping the emperor in a dignified, mystic, almost divine obscurity—and political insignificance. The restoration brought, furthermore, the defeat and decline (relatively) of the power of certain clans or ruling families which had in characteristic feudal fashion threatened the unity of the state, socially and politically. Not that there was an end of all clans. Indeed the Choshu and Satsuma clans retained much influence in the succeeding decades. But the newer tendency was decisively away from the dominance of the clans, with their destructive and divisive feuds. The new emphasis was on the recognition of the power of a centralized bureaucracy, largely composed of *samurai* (knights), acting for a small knot of bold innovating statesmen, who were the new ruling group gathered around the emperor, acting in his sacred name.

Constitutional decree. After intensive study of western institutions, with a view to reorganization of Japan for protecting herself from foreign invasion, or the exploiting control of Japanese affairs by competing western empires, the emperor in 1881 promulgated a constitutional decree which, as developed in the constitution of 1889, provided for the creation of a Parliament, which was to be at least partially representative of the nation. The great compelling purpose was, if possible, to unite the national forces under the emperor's lead. In order to get rid of the powers assumed by foreign consuls to hold their own courts on her soil (a stigma of uncivilized inferiority), Japan hastened to reorganize her law and judicial system. Here she followed French and still more German guidance.

Becomes a Great Power. In the period from 1894 to 1899, the western states (under America's lead) recognized that Japanese law and courts had become trustworthy to do justice by the same methods and on the same plane as that of the average recognized state. That is to say, by withdrawing their claims to special consular jurisdiction, the states of the west admitted that Japan had ceased to be an inferior nation, that she was entering the family of nations on an equal footing. As a result of her remarkable military and diplomatic successes, in defeat-

ing China in 1894 and at least checking Russia's eastward and southward advance in 1905, and participating on the same victorious side with America and the Allies in the World War, Japan was recognized in 1919 as a Great Power, with a right to permanent membership in the Council of the League of Nations. From this position she withdrew in 1933, since the members of the League disapproved of her policy in regard to China; but the withdrawal from the League did not mean withdrawal from the group of Great Powers, rather a cessation (perhaps temporary?) of coöperation.

Japan has a written constitution, but her public life is no more exclusively and comprehensively described by a document than is that of the United States. Many deeply fundamental matters are determined only by binding usage, which is firm and reliable, and yet is subject to gradual change. The Parliament, however, it must at once be stated, is not in a dominating position for controlling that body of usage, as is that of Britain.

Charter Oath. On the occasion of the Restoration of 1868, the emperor was caused by his advisers to take a Charter Oath, which has since become famous. It was couched in benevolent terms of paternal absolute sovereignty, yet it opened the way for national participation in government by the promise of a deliberative assembly. Some statesmen and political groups immediately made plans for the realization of this promise. But the then ruling feudal and clan forces refused to make so liberal an interpretation; in terms of England's history they were living in the thirteenth rather than in the nineteenth century. It required twenty years time and a series of remarkable events and pressures to bring about the establishment of the Imperial Diet. This representative body came into existence almost simultaneously with the written constitution of 1889.

Ito. This epoch-making document was framed not by a representative convention but by a small committee of the emperor's advisers, largely by Ito, a samurai of the powerful Choshu clan. The work was accomplished after he had spent several years of intensive study in Europe, and after plentiful secret consultation with the feudal dominators of the Japanese State, including presumably the emperor himself. It was a compromise between the

purely military bureaucracy desired by Yamagata, the spokesman of the feudal clans, and Itagaki's and Okuma's schemes of European constitutionalism.

Prussia the model. The document was promulgated as a grant of the Emperor, on the 11th of February, 1889. Essentially it was modeled upon the Prussian constitution of 1850, which was regarded by Europeans as reactionary. It entrenched the power of the bureaucrats, the official servants of the emperor, who had been and continued to be the dominating masters of legislation as well as administration. This entrenchment was largely achieved through the creation of the Privy Council and the narrow definition of the powers of the houses of Parliament. The *Genro* (a body of Elder Statesmen whose far-reaching influence will be described below) were not even mentioned; yet they came later to be regarded as a dominant feature of the superior unwritten constitution. The politician class was now for the first time given a forum (the Diet, or House of Representatives) in which they might debate governmental business and criticize the oligarchy; the significance of such a forum was supposed to be largely found in the power given to the lower house to reject or amend the budget, a power which was later found to be seriously limited. Ministers were left as before, "responsible"—but to whom? In Japan of the late nineteenth century there could be no question: they were responsible, after the model of Prince Bismarck, to the emperor, not to Parliament. Only very gradually in the forty and more subsequent years has the lower house conquered for itself a considerable, but still by no means a dominating, share in determining the emperor's ministers, who they shall be and what they shall do.

Interpretation. The terms of the constitution were so loose as to give rise to much subsequent debate by way of interpretation; but this function of interpretation has been performed not by the courts, or by the nation's parliamentary representatives in authoritative law-making fashion, but by the ruling oligarchy, acting through the Privy Council officially, and on rare critical occasions through the *Genro* with overwhelming moral force.

Amendment process. The amendment process is to a notable degree indicative of the ruling idea that the constitution is a

grant of the sovereign, not an emanation of the will of the Japanese people. If an amendment is required, the initiative must come from the emperor. The draft is made by the ministers, who could hardly act in such a matter except under the impulse of the ruling oligarchy. The draft amendment is presented to Parliament, in which two-thirds of the members must be present. In this body a two-thirds vote is required. There is no referendum, nor any provision for a parliamentary election to ascertain the people's will on the direct issue of the constitutional amendment. But the striking and significant fact is that in all these five decades there has been no formal amendment.

The emperor. The position of the emperor is unique in the modern world. By the design of the nation's leading minds, the public is led to think of this exalted personage as divine, of transcendent, super-human quality. This conception fits into the ancient national worship system, called *Shinto*, and in the public mind it links the living occupant of the throne with his revered imperial ancestors (theoretically an unbroken line since 660 B.C.), and also bases men's loyalty on the strong family feeling of the Japanese race.

Incarnation of Japan. This attitude is hardly declining at all with the lapse of time and the dawn of the modern western spirit in Japan. In contrast, on this point, with the general practice in modern Japan of imitating western ways, the present system of public education is rearing a generation who are taught to regard the occupant of the throne, not as a puppet in the hands of ministers, nor even as an exalted, dignified adviser of the governing group, but as the actual personification of the nation, the incarnation of the nation's spirit; and that, too, in a degree infinitely more pervasive and intense than is to be alleged of the English Edward VIII or any European king. For the purposes of a policy of imperialism, this emperor-worship makes possible the inculcation of religious devotion, to sanctify (literally) the political purposes of the men around the throne. Patriotism and religion are made one. The soldier is taught that there is no limit, spiritually, to the obligation he owes to his supreme commander. A certain Maj. Kogi committed sui-

cide in 1932 because he felt that (although rendered insensible by his wounds) he had been eternally disgraced by the fact that he was actually taken prisoner by the Chinese in the course of military operations. His spirited deed, symbolizing purification of the army's service by his personal self-sacrifice, was exalted by the minister of war (Araki) as a sample of soldierly conduct that ought to be regarded as the normal expected thing, not the quixotic exception. Officers and soldiers are required to make of themselves the devoted slaves of their divine emperor.

Reigns, not rules. Taking this mystical popular attitude as a background, we are prepared to observe that while the emperor reigns, he does not rule. As in centuries past, the monarch's powers are exercised in actual government by the will of a small oligarchy, mainly bureaucratic, at times in varying degree militaristic, yet tending in recent decades (at least until the present crisis) to be somewhat influenced by popular currents of opinion as expressed by Parliament. As in England, every act of government is performed in the name of the emperor. But he performs no act except upon advice. Reciprocally, it may be presumed that the decision upon governmental matters is subject also to the emperor's advice. But beyond that, there is no generally recognized responsibility of ministers to Parliament, for making clear to the public mind the public's appreciation, whether of praise or blame.

Present emperor humanized. Three men have occupied the throne in the modern period since the restoration of 1868. The first, Mutsuhito, beginning to reign at the age of sixteen, under the tutelage of a series of great ministers and advisers, developed into a notable sovereign himself, a man of great intellect and good judgment, whose character and career contributed largely to the maintenance and enhancement of the prestige of his exalted office. His reign is usually known by the name *Meiji*, which means "enlightened government." This prestige had need of great upbuilding, considering the lowly, obscure state to which his predecessors had been forced during two centuries by the Shoguns; considering also that his son and successor (Yoshihito, 1912-1926) after a few years went into a mental decline, requiring a regency. Mutsuhito's grandson, the present Emperor

Hirohito (b. 1901), has had travel and elaborate education. By the cultivation in him of tastes and capacities that are essentially modern and familiar to public opinion, the nation's experience tends, while not diminishing the mystical, to supplement it by the modern, view of popular royalty. He receives an annual salary of 4,500,000 yen. The populace in the street no longer must devoutly avert their gaze when he appears in his subjects' presence; they may respectfully shout "*Banzai*," as his automobile whizzes along the street. If it becomes publicly known that he prefers bacon and eggs for his breakfast, wears dark-rimmed spectacles, and takes an interest in baseball and whatever the radio brings him—well, that simply makes him human: it does not make him unkingly. It certainly makes him real. If the public reads that he works hard at his job, faithfully studying the documents placed before him, and yet whiles away leisure moments with the microscope and his hobby of biology, that signifies that the Japanese public mind, with its universal familiarity with books, newspapers, the movie, and the radio, now prefers to look on its emperor as an ineffably exalted but also a very genuine, live Japanese personage, no longer as a figure of poetry and mysticism.

Genro. Coming down to mere men and institutions, one political entity has been of such extraordinary influence in twentieth-century Japan that its very name has been transliterated and passed into the world's vocabulary of political science. It is the *Genro*, meaning the Elder Statesmen. The name may be used as the appellation either of a whole group or of a single member of the group.

The status of the *Genro* is super-constitutional. Their power is not granted or described in any document, which would subject them to legal checks. Generally speaking, no one has elected or appointed them, no one can dismiss them. They are simply those few aged men who are recognized by universal authoritative opinion to be above party or class interest, to be in the highest degree competent and conscientious for making supremely important decisions in the interest of the nation, acting always in the emperor's name. They are the living treasury, the recognized oracle, for uttering the present-day meaning of the nation's

tradition. Emperors, in a system of hereditary succession, may be more or less wise, administrators or parliamentary statesmen may be more or less efficient and acceptable. These *Genro*, on the other hand, enjoy the unquestioned sure prestige of past success, and are therefore looked to as the ultimate source of guidance for the nation when it is in difficulties.

Activities of *Genro*. The Elder Statesmen act in secret and presumably by informal agreement, they are responsible only to their conception of the national conscience and to the emperor, but it has repeatedly been their judgment alone that authoritatively determined the emperor's will on an occasion of critical uncertainty. They possess a weight in counsel which preponderates over that of all other men and institutions. By reason of their position as aged veterans, having nothing to gain or lose for themselves, they are given supreme trust as persons who have risen to a serene elevation in which they personify the present mind, and express the permanent interest, of the Japanese nation. They may, therefore, by their advice to the emperor, effectually veto an innovation, or make a significant departure from the usual practice; they may appoint to high office, or dismiss. Their operations may be in the realm of foreign politics, the making of alliances, the declaring of war, the deciding for peace. It may likewise be in the realm of domestic politics, and is most frequently and characteristically seen in the selection of an individual to be prime minister, after the resignation of his predecessor has produced what parliamentarians call a crisis. Their making of such selection is determined by what the *Genro* regard as the determinant factors in the nation's will, in their total algebraic sum. These factors and their coefficients were formerly to be found mainly in the feudal clans, later in the army and navy and permanent bureaucracy; now to a growing extent there is regard for public opinion, as expressed in parliamentary parties and national elections.

Origin of *Genro*. The term *Genro* was first applied about 1900 to a small group of seasoned statesmen, previously active and public, whose operations had now come to be largely by way of secret advice, "behind the curtain." They were not the men who had made the restoration of 1868, but were of the following

generation; their great work had been done in the constitution-building era of the eighties and nineties. By the end of the century they were beginning to withdraw from the hurly-burly of politics, or the laborious tasks of administration. But they continued their political activity in a new, less exacting but more gravely responsible form, the sponsoring and manipulation from behind the scenes of a rising generation of politicians and administrators. Among these *Genro* there were three members of the powerful military clan Choshu, namely Yamagata, creator of the modern conscript army which had given the emperor military supremacy over clan feudalism; Ito, who organized the modern civil administration and drafted the written constitution; and Inouye, a financier. There were two also of the Satsuma clan which long dominated the navy, namely Oyama and Matsukata. These men were all *samurai*; that is, members of the gentry rather than of the higher nobility. They had entitled themselves to be heard, not by reason of wealth or feudal clan influence, but by their great services to the nation. On rare occasions subsequently there has been addition to their group, even by the formal rescript of the emperor in one case. Nevertheless, the number has gradually dwindled down to one, Prince Saionji, who was born in 1850 and will not live for ever. He, it is said, is of opinion that the institution ought not to be continued after his death.

A new *ex-officio* group. Notwithstanding the widespread expectation that the institution of the *Genro* will cease with Saionji's death, a recent precedent may be of significance as suggesting its continuance, though under somewhat new influences. On the occasion of the ministerial crisis of 1934, authoritative advice to the emperor regarding the new premier's appointment was formulated by a group of five: one was the minister of the imperial household, another the premier who had just fallen from power; the other three were the living ex-premiers. There is obvious propriety in regarding such an *ex officio* group as capable of providing not only a certain continuity in national policy but elevated prestige as well. But it must be realized that this body, if the precedent were to be repeated and continued, differs in one vital element from the long familiar *Genro*;

to the extent that it is composed of ex-premiers it becomes "political" in the ordinary parliamentary sense. That is, it will not be directly composed of the individual super-statesmen whose word must be obeyed because they and their social group still dominate high policy, as was long the case with the aged Yamagata, for example. Though no longer in active politics, and therefore touching public affairs only broadly and indirectly, he was able to designate his protégés to the premiership and thereby project his personal or clan or militaristic policy into the coming time. So also with Saionji, in another direction. Though he originated as a protégé of Ito, his influence became a definitely liberalizing one as *Genro* during the twenties. It was by Saionji's contriving and advising that six successive cabinets were headed by premiers, each one of whom was at the time of appointment the leader of the largest party in the Diet. Saionji's immense prestige has more recently been regarded as the principal obstacle that stood in the way of unmitigated militarist imperialism.

Privy Council. With the gradual disappearance of the authentic Elder Statesmen of the constitution-making period, it seems not unlikely that their function of advising the emperor will be assumed by the Privy Council. This body is more nearly subject to controls that are known to constitutional law. Premiers may appoint new members, and thus gradually affect the composition of the advisory body. The emperor's theoretically absolute power may thus be brought under influences that are less mystic and more concretely political. Newspaper and parliamentary criticism, whether aristocratic or plutocratic or democratic or demagogic, may thus, for good or evil, acquire potency; responsibility to public opinion may thus be learned. The wielding of real power will be brought out into the open. The emperor's autocracy can thus be subjected to criticism, because associated with ascertained active statesmen. The curtain of mystery will be drawn away, which in the former days had constituted one basic factor of the *Genro's* absolute, if not irresponsible power.

Function of Privy Council. The Privy Council, consisting of 26 members, is appointed by the emperor on the advice of

the prime minister. It consists largely of veterans of the nation's service: generals, admirals, administrators, diplomats, and judges. Party politicians are in practice excluded. Its function is in name merely consultative, but in practice this has meant the exercise of profound and far-reaching influence on government action. In actual effect it amends measures of the Cabinet, "with a ruthless hand." It has the determining voice on the ratification of treaties and imperial ordinances, and gives the interpretation of the constitution that must finally be accepted. In its power of vetoing measures of the Diet its authority is comparable to, sometimes superior to, that of the Cabinet. It may well be that this body is destined in the long run to take the place of the *Genro* in the authoritative determination of fundamental matters. As years pass, its composition may probably be liberalized and brought into harmony with the general trends of parliamentary politics, by the appointments to its membership that are made by the successive parliamentary premiers.

Ordinance power. The emperor's ordinance power requires special mention. This, as well as the significance of the Privy Council just described, gives us frequent reminders of the processes of the British monarchy under the Tudors. Many decrees are issued by the executive, as in all other governments, with the purpose of giving detailed effect to an idea expressed by statute with looseness, for the sake of flexibility. But the ordinance power may be used even to flout the Diet. For example, in June, 1928, Premier Tanaka issued an ordinance to amend the regulations for the "preservation of the peace," in such a way as to make the law far more drastic than had formerly been understood, as a police instrumentality for limiting individual freedom. This ordinance was passed immediately after the prorogation of the Diet, and against its known will; indeed the Diet had manifestly been prorogued for that very purpose. In this instance the Privy Council might have prevented the issuance of the special ordinance in question; it was greatly in doubt upon the point, and the matter was finally determined by that body's strong predilection in behalf of the ultra-conservative view of "law and order," against agitation or "dangerous thoughts." In fact, under the leadership of the great militarist clansmen of

Choshu, the Privy Council has become, in the words of Nitobe, a "citadel of reaction." Constant or frequent interference in the current administration of affairs is unnecessary, and might impair its dignity; but there it permanently stands behind the scenes, controlling the action that is taken in the name of the emperor, in behalf of oligarchy and militarism.

Powers of Crown. Under such bureaucratic influences as have been suggested, the Crown exercises an appointing power which is broad and largely unrestricted, in local as well as central government. The civil service is regulated by imperial ordinance, not by parliamentary statute. The Crown also fixes the number of army recruits, subject however to parliamentary influence upon the budget. The emperor proclaims the existence of war or peace and declares martial law, all without statutory qualifications. Actually these things are done on the responsibility of the ministers, subject to an indefinite but far-reaching control by the Privy Council.

Army uncontrolled by civil power. A notable peculiarity of the Japanese constitution is the nearly complete freedom of the military from control by the civil power. Such a relation between them is in accord with ancient tradition, and it was only confirmed by the ordinances of 1899, issued by the often-mentioned Yamagata. Although the feudal clans as such no longer exercise a direct mastery, the high commands of the army and navy, which had long been the chief seats of clan influence (for Choshu and Satsuma respectively), can even determine the life and death of the Cabinet. As a notable instance, Saionji in 1913 (in the period before he became a *Genro*) was compelled to resign the premiership because a certain policy regarding the military forces, which was desired by the Cabinet, was categorically refused by the minister of war. It was well understood that if this particular general as minister of war were dismissed, any other general who might be put in his place would take the same attitude. Under pressure then of a minister who was nominally his subordinate the premier was compelled to yield. This case is not extraordinary, but typical. The ministers of war and navy, as distinguished from their colleagues, report directly to the emperor, not to the premier. They are never civilians, but

always high ranking officers of their respective services. Almost invariably, furthermore, these two ministers enjoy a long tenure of office personally, and thereby acquire much greater ministerial experience and skill than their frequently changing colleagues. By such a "ministers' strike" as that of 1913, actual or potential, they exercise a compelling superiority over the other ministers and even the premier himself. On the occasion of the fateful events of September, 1931, while the Cabinet was still debating the matter of seizing Manchuria, the foreign minister and finance minister vehemently opposing the project, the navy and army ministers despatched troops and ships, producing "accomplished facts" with which the Cabinet and the public was irrevocably faced. Yet the military ministers remained unrebuked.

Imperial household officers. In this connection the imperial household requires our attention, to a far greater degree than in any other country's government. The keeper of the privy seal and the grand chamberlain are no mere makers of punctilio and ceremonial programs. It is they alone who have power to give or refuse access to the emperor for obtaining his formal consent to desired measures. A more positively anti-militarist household officer in 1931 could have denied the war minister that access to the emperor which alone enabled troops to be hastily despatched to Manchuria while the Cabinet was still in doubt. These two great household officers are among the most influential of the figures who surround the person and interpret the majesty of the emperor, and pull the wires in that high court. Their power and position is fixed, as are also the vital matters of a regency and the succession to the throne, by the Household Law. This document appeared in 1889, the date of the constitution. It is regarded as beyond the control of Parliament, and of only less significance than the written constitution.

Cabinet responsibility. The Cabinet's responsibility to Parliament, as an institution constantly operating in England, is known in Japan only as an ideal toward which Liberal politicians strive, as they make efforts to transform the Ministry into an instrument of democracy. During the formative period of the constitution the Prussian principle was introduced by Ito, and it still prevails; the ministers were to be regarded as the

servants of the monarch, not responsible to the Diet, though their value was enhanced to the degree in which they could win the Diet to coöperation. An adverse vote in the Diet does not require resignation. Too long and too vigorous a manifestation of parliamentary hostility to the ministers, if it cannot be broken by a dissolution and new election, may diminish their usefulness and suggest their dismissal. During the decade of the twenties, as parliamentary parties began under Saionji's influence to become similar in number, character, and influence to parliamentary parties in occidental countries, there seemed to be some tendency for the Ministry also to assume an attitude like that familiar in England, of responsible leadership, of readiness to continue in office or resign on the basis of parliamentary confidence, and of insistence on disciplined obedience by party followers. But this tendency is still only slight; it is wholly against long-standing tradition. Furthermore, upon the crucially important matter of budget-making the Cabinet is not controlled by the lower house as in England. The Cabinet's budget may be rejected or reduced, but rejection does not require the resignation of the Cabinet; for in sharp contrast with occidental practice it is constitutionally permissible, if no new budget has been passed, to continue to administer the budget of the previous year.

PARLIAMENT

House of Peers. Parliament is, after the usual fashion, bicameral; but in the Japanese case the dominating power is in the upper chamber, the House of Peers. Its composition is more complicated than that of its model, the pre-war *Herrenhaus* of Prussia, and it tends on the whole to be more subservient than was that body to the imperial sovereign. It includes all princes and marquises over thirty years of age, and about two hundred of the other noble ranks (counts, viscounts, and barons) who have been elected by their respective orders for a period of seven years. There are also 125 persons appointed by the emperor for erudition, or for meritorious service to the state. But, as Dr. Nitobe remarks:¹ "Too frequently is nomination made of people

¹ Nitobe, I., *Japan*, p. 197.

who served the party in power by supplying it with funds rather than the state by honorable service." There are also 66 persons elected by the highest tax-payers. The bulk of those who actually attend and do the work of the house are of those elected by the lower orders of the nobility. They are conservative in spirit after the manner of the Junkers in the pre-war Prussian House of Lords.

Peers uncontrolled by people. The Japanese Peers have always opposed the rise of the common people to political activity, and every tendency towards a parliamentary regime. They never trouble a Ministry that is satisfactory to the ruling oligarchy, but Ministries that are maintained on the responsibility of political parties are often overthrown by them. Their authority in adopting or altering proposals of legislation is fully as great, to say the least, as that of the lower house. They can always force a compromise on policy. The House of Peers is never threatened with dissolution, which is the frequent fate of the lower house. Furthermore, their consent as a house is required for any imperial ordinance that should change their own organization. Their Junker tendency may in future undergo some change as more democratically minded premiers appoint their friends to the nobility, but there is the same tendency as in England for liberalism to fade away as a newly ennobled member takes on the tone of the exalted aristocracy to which he has been elevated.

Lower House. The lower house can look back to only a short period of growth, namely, since 1890. Its suffrage has been widened three times, by acts of 1900, 1920, and 1925. Beginning with 500,000 voters, the tax qualification was successively reduced from the payment of fifteen yen to ten (1900) and to three (1920); since 1925 there remains no tax-paying qualification. The present universal male suffrage is possessed by over thirteen million persons, an increase in thirty-five years in the ratio of one to twenty-five. Candidates must be thirty years of age. While a 30 yen qualification on candidacy was originally required, that requirement was abolished in 1900. The age qualification for the voting privilege is 25. There is no mention of literacy, but that is unnecessary; for a superb educational sys-

tem makes Japan to an enviable degree literate, whatever that may imply as to the voters' susceptibility to the influence of a censored press, and as to their real capacity for the popular exercise of political functions.

Representation. The voters are distributed among 122 constituencies, each of which elects three, four, or five members, by the single non-transferable vote. This is in the ratio of about one member to 130,000 of the population. The ballot is legally secret, but it seems to be generally understood that administrative pressure and other forms of intimidation and corruption prevent the voting from being really free. The system tends to compel parties that are of relatively similar attitude, to combine in order to conserve their parliamentary strength, after the manner of the French "second ballot."

Candidates are chosen, not by a primary vote of their fellow partisans, but by the discretion of the party managers. Independent candidates do sometimes appear, but their freedom to do so is limited by a deposit system like that in England; the candidate forfeits his deposit of 2000 yen unless he wins ten per cent of the vote cast.

Money in elections. Money plays a very considerable part in the electoral process. As Diets are frequently dissolved, and general elections constitute a severe drain upon the candidate's purse, there is a strong tendency for the member of Parliament, since he receives no considerable stipend (only 3000 yen plus travel expense), to recoup his losses by making profitable connections with business houses. Indeed it may be said that money plays a leading role in the parliamentary government of today, comparable with that played by land-holding feudalism in the government of former generations. There is a statute limiting the expenditure of a candidate to 40 sen per voter, which totals some twelve to fifteen thousand yen, but this is a dead letter. The Tokio *Asahi* (newspaper) estimated that the election of 1930 cost the Minseito party six and the Seiyukai four million yen. While the legal maximum is in the neighborhood of seven thousand dollars, the average of successful candidates in 1930 spent some twenty-five thousand, and many went as high as fifty thousand dollars.

Official influence on elections. The extreme centralization of local government makes possible and natural a large participation by the Tokio government in the voting process. Prefects or other provincial officials may swing large blocks of votes by their administrative pressure, threats, or cajolery. Through their activity the minister of the interior is expected to "make" the election; there is frequently a drastic shifting and replacement of prefects for this purpose. The government in power at the time of election is practically never defeated. Hence there is much jockeying for position among the parties in order that a party may have its reliable political director in possession of the ministry of the interior at the critical moment, namely that of the dissolution and the new election of the Diet.

The session of the lower house is limited by the constitution to a period of three months. This restriction puts severe and indeed undue pressure upon the people's representatives, and one of the important parties (Minseito) has recently sponsored a constitutional amendment which would extend the permissible life of the session to six months.

POLITICAL PARTIES AND MOVEMENTS

Party system unusual. The party picture of Japan—it can hardly be called a recognized system—has its own peculiarities, which are as distinctive as are those of England and of France. It cannot be said, as in England, that the modern constitution itself grew up under the influence of the various popular impulses imparted by parties, so that the constitutional system and the party system require to be described in terms of each other. Nor does Japanese political life respect group individuality as in France, in such a way as to compel the government constantly to accommodate itself to the competing purposes of a large number of attitudes and opinions, all alike exigent and doctrinaire and disputatious, each one insisting on its due share of offices and of participation, by coalition ministries, in the conduct of public affairs.

Parties unwelcome to constitutionalists. During the first ten years after the establishment of the constitution of 1889 political parties were regarded as an outrageous intrusion; they

were held to be divisive, self-seeking, and thoroughly unwelcome to the operators of the new parliamentary system. By the turn of the century, however, their inevitableness and potential usefulness was recognized by some of the leaders. In 1900 Marquis Ito, the "founding father" of the constitution, took the extraordinary step of recognizing an already existing party, giving it new, efficient organization and a program, and bestowing upon it his own exalted prestige. This was the *Seiyukai* party.

Compromise with bureaucracy. For twenty-five years thereafter the clan and oligarchical statesmen, who had been conducting government, were compelled by parliamentary exigencies, financial and legislative, to come to a series of compromises with the parties, as the latter rapidly formed and disintegrated and constantly took new form and name. What resulted was neither the old super-party bureaucracy pure and simple, nor party government after the English or the European manner. The practice was a mixture, satisfactory to no one. In the later twenties there was considerable progress toward the recognition of a party system; but it is still far from the English practice, and retains features strongly reminiscent of the former era when a "party politician" was regarded almost as a traitor to the regime.

Great variety of party names. There has been a bewildering variety of party names. At least thirty can be distinguished, as they have been emerging and mostly disappearing during the forty and more years of party history. The kaleidoscopic character of this picture is partly due to the excessive part played by personalities, as contrasted with principles, in the make-up and conduct of the groups. Platforms seem extremely vague and ambiguous, even when compared with those familiar in American practice. Individual politicians and their followings mean almost everything to parties, personalities which clash in their ambition, and therefore produce frequent secession, new coalition, precarious alliance, and constant suspicion.

If we disregard the confused series of ephemeral groups which have risen and fallen, we may discern a recent tendency (at least in the later twenties) toward a situation in which there should be two strong parties that rival each other and alternate in leadership of the Diet. There is also a group of proletarian

parties. They are now of small electoral weight, but are suggestive for the future, by reason of the immense mass of proletarian voters, and in view of these parties' similarity to or affiliation with Left Wing political groups in other countries.

The *Seiyukai* party. One of the two great parties of recent history is the *Seiyukai*. This group, founded by Ito in 1900, can look back to over thirty years of history. Yet there has been much more variableness than continuity, far more of give and take, join and separate, bargain and shift, than one would expect from a corporate body with so long a history under one name. The *Seiyukai* can rely upon the pecuniary support of the Mitsui and certain other great business and financial concerns. Its economic attitude is expansionist and inflationist. It also has a traditional close connection with the land-owning (not land-tilling peasant) interests. It has long been consistently in favor of an "active" system abroad, of intervention in behalf of Japanese investors, say in Manchuria and China. Internally conservative, it has been especially inclined to suppress what are called "dangerous thoughts." Its plan regarding the business depression is that the state should finance new enterprise on a lavish scale (no novelty in Japan) and thus create a demand for labor and materials. Boasting some of the proudest names in modern Japanese history, it also bears the responsibility for certain elements of degeneration. Hara, the first commoner to become prime minister (1919), added bossism on a national scale to the old tradition of unblushing corruption of parliamentarians, as characteristic *Seiyukai* manifestations. In the words of Dr. Nitobe,¹ "It is generally admitted that the *Seiyukai* is largely responsible for the abuses and corruption introduced into politics, and yet—because of its power, moneyed power in particular—it has maintained its ascendancy longest of all political parties."

The *Minseito* party. The other great party, whose rivalry continuing over several years gave some promise of the development of a two-party system, is the *Minseito*. It is true that in opposition to the *Seiyukai* since 1900 there had been a long series of parties, of various names and qualities. Some of them had

¹ *Op. cit.*, p. 203.

a long history, but for the present the *Minseito* party, founded in 1927 by the coalition of Wakatsuki's *Kenseikai* party with Tokonami's *Seiyuhonto*, is the likeliest candidate for acceptance as an alternative to the *Seiyukai* as the governing party. In contrast with the latter, the *Minseito* relies on manufacturing industry and especially on foreign trade, rather than the landed interest. Regarding finances it lays stress on retrenchment, and on deflation. It is proud of having lifted the yen from an exchange value of 44 to 49 cents during six months of 1929. Imitating the *Seiyukai's* business connections with Mitsui, the *Minseito* relies heavily on the immense banking interests of the Mitsubishi concern. Hamaguchi became its leader and achieved the premiership in July of 1929. But he, like so many other Japanese statesmen of first rank, succumbed to assassination.

Contrast of parties on foreign policy. Both these great parties are representative of the privileged classes, and are closely associated with the clan cliques and the military power. Yet the Western observer is tempted to seek further for evidences of contrast between them, for suggestions that they might by alternating in power give the Japanese voting people an opportunity to develop its influence towards predominance. At least some evidence points toward a difference between them on that matter which is usually regarded as beyond the reach of parties—foreign policy. The *Seiyukai* party has long been aggressively expansionist and imperialist. On the other hand, the policy of Shidehara (*Minseito*) was to participate loyally in the coöperative reduction of armaments, as exemplified in the London Agreement of 1930. He was also anxious to conciliate the rising tide of Chinese nationalism by a friendly attitude toward the Chinese *Kuomintang*. This policy was in the interest of good business, to cultivate the potentially enormous Chinese market for Japanese manufactures; but it has not been able to stand up in the present period against Japanese ultra-nationalism, as regards relations with Manchuria and the League of Nations. Furthermore, England's departure from the gold standard was ruinous to the *Minseito's* financial plans. The party has also suffered grievously as regards its leadership by the assassination of Premiers Inouye and Hamaguchi, the retirement of Shidehara, and

the defection of Adachi to found a Fascist party, which demands a one-party totalitarian state.

The Labor party. In contrast with these two great upper-class parties, one must observe the beginnings at least of a party activity in behalf of proletariat and peasantry. Clan militarism and bureaucracy and plutocracy might ignore for years the inert mass of labor. But the year 1925 saw the sudden achievement of universal male suffrage. This was partly a matter of party exigency, but perhaps even more significantly a mass demand; once achieved, it stimulated political activity in all parties for winning recruits and power among these nine million new voters.

There has been a confusing series of Labor parties, diverging among themselves on fine points of doctrine and tactics, seldom combining like the old-line personal parties, but always splitting, and splitting again. But we may distinguish two groups at the Right and the Left of the labor movement. There has been the *Shakai Minshuto* party, which corresponds very closely to the English Labour party. It stresses trade-union activity and collective bargaining. It has a well thought out social program, most of whose items have long ago been achieved in Western countries. Among its most reliable elements, as in England, are the intellectuals, even university professors. Its strength is more in the city than in the country. It is led by Professor Abe, a Left Wing thinker and politician of many years standing (who happens also to be known as the "father of baseball" in Japan). He began his career as a Christian pastor, and has long been professor of Social Philosophy in Waseda University.

Communism. By reason of the nearness to Russia, communism gives Japan a frenzied fear of "dangerous thoughts." This is the rock upon which Labor party after Labor party has been shipwrecked. The *Rodo Nominto*, usually known as the Labor-Farmer party, is at the extreme left wing of the Labor movement. Repeatedly suppressed by the minister of the interior, it repeatedly appears again under slightly different names, attempting to camouflage its purpose with innocent declarations of policy. The Communist affiliation, which makes this movement especially dangerous in the eye of the government, also renders

it suspect to the view of the other Labor parties; the result is an inability to combine, secession after secession, the old story of the "dissidence of dissent."

Weakness of Labor parties. All the proletarian parties together elect only a dozen or so candidates to Parliament. The reasons for this trifling result have been summarized¹ as absence of class-consciousness, scarcity of well-known experienced candidates, lack of campaign funds, inertia of voters and their fear of radicalism, internal dissension and failure to coöperate. The observer is bound, however, to suppose that for these nine (out of twelve) million new voters, practically all of them doomed by their economic situation to grinding poverty, yet inspired with a hope that government can be taught or compelled to serve them as it has long served the rich and well-born, there may be a future.

Fascism. Last to be mentioned, but by no means the least significant among the political movements of present-day Japan, is what some observers have chosen to call "fascism." The point need not be labored that so foreign a term must be inappropriate; that fascism is essentially Italian, "not an article for export." Whatever the name, there is a present-day political tendency which is so important that it must be briefly characterized, though it may be so peculiar to Japan that no foreign term will apply. The movement alluded to is so wide and deep that it has recently brought a serious reaction from what seemed to be the trend of the late twenties toward party dominance of the Diet and popular control of government, as manifested at the polls.

Breakdown of parties. The election of 1930 resulted in a Diet composed of 273 *Minseito* members, 174 *Seiyukai*, and 19 members of other groups. The election of 1932, on the other hand, brought in 303 *Seiyukai*, 146 *Minseito*, and 17 of other groups. But within three months after the last election a series of calamitous events, including the assassination² of two men who correspond roughly to Franklin D. Roosevelt and Pierpont

¹ Colegrove, Kenneth, "Labor Parties in Japan," *Am. Pol. Sci. Rev.* (1929), XXIII, 331.

² In consequence of the election of 1936 there were similar events.

Morgan, had produced a tremendous political crisis. The liberalizing Prince Saionji (*Genro*) was generally regarded as having taken the indispensable steps to meet the crisis, when his delicate negotiations produced a Ministry which compromised the old influences with the new—but all at the expense of the two-party system. This new Saito cabinet included Gen. Araki, a frank exponent of militarist nationalism. It contained three members of the *Seiyukai* party, two of the *Minseito* party, two military men and several non-party ministers. Similarly the Okada cabinet, formed in July of 1934, contained three *Seiyukai*, two *Minseito*, and five non-party men in important posts. But all three of the *Seiyukai* ministers in Okada's cabinet were of a clique that is opposed to the party's president. This fact seems to indicate that this party, like the *Minseito* two years previously, is breaking into personal factions, losing what character it had possessed, of a united corporate body, with principles and leaders who can make pretensions to a power to govern.

Fascist tendencies. What is this so-called Fascist movement, that is having such a dissolving effect upon the body of Japanese constitutionalism? For one thing, it is not the personal following of one man—there is no Japanese Mussolini or Hitler. There is a multitude of ferments, and of associations to promote them. It would be merely bewildering to name these bodies, but we observe a few of the ideas which, taken in their entirety, make up this "fascist" movement. Some are natural outcroppings of ancient, fundamental tradition; some are new, the result of the economic depression and the demoralizing effects of Japan's finding that her policy of expansion in Manchuria and North China is isolating her in relation to the outside world.

Ultra-nationalism. A primary factor, of wide popularity, is ultra-nationalism, a disposition to let Japan stand alone, and carry the imperialist adventure to any imaginable length of expansion. This involves of course the repudiation of the League of Nations and of any plan for coöperative reduction of armament. A closely related factor is anti-Westernism, the repudiation of the ideal of parliamentary constitutionalism, which many regard as an imported mechanism that does not fit into Japanese life. There is also a disposition to curb the constitu-

tional liberties, of press, speech and association for promoting individual or group freedom. The nation is to be one and indivisible, and cannot afford the dangerous luxuries of criticism and division of opinion.

Socialistic tendencies. Japanese "Fascism" includes, furthermore, a tendency that calls itself "socialistic"; important members of the proud but poor *samurai* caste denounce the corrupting effect of great wealth, the hideous scandals in Parliament, and in general the dominance of plutocracy in the government of recent decades. Let industry be socialized, and administered by the sacred emperor. The younger army officers, who are the backbone of the movement, have close relations with the agricultural masses from whom they have risen. They are very poor and they denounce the plutocrats who, they allege, have been using Parliament to levy crushing taxes and accumulate vast industrial fortunes in a few privileged hands. There is the demand for a resuscitated *Bushido*, that is, a modern form of the traditional chivalrous creed of the military liege-man of the emperor, faithful unto death in the service of the divine incarnation of the nation—the desire for a "second restoration" of the sacred majesty, freed from the corruptions of a Westernized plutocracy. This connection between the military element and the discontented, hopelessly distressed masses involves vagueness in program, but its potency may be imagined from the examples of Italy (1919-1922) and of Germany ten years later. As in these two European instances, there is also a fringe which the observer would call criminal, the terrorists (*Ronin*), who do not scruple to assassinate outstanding figures in the world of politics and finance, and then find an astonishing degree of complaisant sympathy for their bloody deeds among the poverty-stricken masses, and even in higher placed groups, who are able to secure practical impunity for the perpetrators.

A long-range view. What is the outcome to be? The present outlook is obscure in the highest degree. The on-looker can only conclude that Japan, with her military and economic organization closely centralized, is a factor of high potency in the world of today, that her sudden assimilation of European institutions does not fit well with her ancient traditions; that she

is in a condition of crisis in which almost anything may happen except the continuance of the present situation.

NOTE ON CHINA

The Chinese political and constitutional picture is to most Occidentals fascinating but utterly incomprehensible. Here is the greatest coherent mass of humanity on the globe. They have a culture that is ten times as old as our own. They were familiar with some of our cherished mechanical inventions and philosophic ideas at a time when our ancestors were hardly more than naked savages. We are bound to respect China; but she is exceedingly difficult to understand. No attempt will here be made to describe her situation: only a note to indicate its importance.

A culture, not a state. Europeans think in terms of a territorial state, or rather a continent with many territorial states. These states claim to be sovereign (that is, supreme), but are compelled to content themselves with internal sovereignty, plus some measure of inter-state coöperation and "international" law. The Chinese are one people, with what is, broadly speaking, one culture. So also are the Europeans, who have in varying forms and degrees what they all regard as a European civilization. But in both cases there is no one state corresponding to the social culture-group. The civilization has no fixed territorial boundaries, and those who inherit and live by it are bound together not so much by law, whether constitutional or international, as by *mores*, the decent practices of civilized men. But it is not the government which controls the Chinese civil community, as in Europe, but rather the family and the guild.

Foreign influence. There has come, however, a century and more of increasingly intense contact with the western world, with its opium merchants, railroad-builders, money-lenders, and tax-collectors; but also with its preachers and teachers of western ideas and ideals—and the old China is no more. As the nineteenth century drew to an end, there came to be spheres of economic and political influence in China, quasi-colonies, carved out in their own interest by European empires, only partly and temporarily held in check by John Hay's American proclamation of

the Open Door. This Hay Doctrine (1901), received abroad as an American impertinence, meant little more than that whatever local privileges one empire might seize for itself in China, America and the other empires were to share as well. There was to be equality; exclusive privileges for trade in defined areas were frowned upon. The Hay Doctrine grew to become a theory, that China has or may acquire an "administrative entity." To this theory a platonic assent was signified by all the interested empires in 1922, when the Washington Disarmament Conference gave opportunity for the Powers active in the Pacific area to agree that they would consult in concert for the keeping of their peace, and would not regard China as an area for imperialistic rivalry.

Recent dynamic movement. Nevertheless, competing railway-building and money-lending policies of rival western empires, combined with the stupid, futile anti-foreign fanaticism of the last real Chinese monarch (Dowager Empress Tzu Hsi), put an end to the empire of the Manchu dynasty. The Chinese Republic was proclaimed and has remained nominally in existence. Since 1911 there have been over twenty-five years of movements that are revolutionary in their effect upon static China. There are dynamic ideas which students brought back from the America of Washington and Wilson; and surprising, often disappointing reception given to those ideas. These reactions include the change of customs, such as the rejection of the pigtail and the bound feet, but they also include the deification of Sun Yat-sen, and the immense spread of his very un-Chinese doctrine of nationalism. Many of the old Chinese practices and institutions have disintegrated. Present-day China is no longer the old familiar Oriental society that she once was, living on Confucian morals; but she has not become a state of the sort that the western world has developed and takes as a matter of course. She is a stateless half-continent. Much of thinking China is seething with political discontent, with longing for administrative unity and for an end of foreign interference. Regarding her paper constitutions, puppet presidents and prime ministers, military governors of provinces (*tuchuns*), and the admirable efforts

that a few intelligent souls are making in the name of the *Kuomintang* to secure order and progress—there is not enough of a static quality for us to attempt description. Especially is this true in the face of the Japanese forward movement of the last few years, obviously in defiance of treaty arrangements, and especially of China's "administrative entity."

A philosophic view. Yet there is another China, not nationalistic in temper, China of the millennial past, the culture-society of the hundreds of millions who live far away from the "treaty ports," and are practically untouched by the West. Chinese who are of philosophic mind cannot become over-anxious about the experiences of the last decade with Japan. In their view it is an old familiar story. Immortal as her civilization is, it can endure another period of troubled times, imposed by the interference of ambitious neighbors. As with the Mongols of centuries long gone by, and with the more recent Manchus, so also with the Japanese. Suppose the pretender prince Pu Yi is set up by the Japanese military, diplomatic and administrative technique as "emperor" of Manchukuo, in a population that is and will remain almost entirely Chinese. Suppose even that the Japanese, energetic but unstable and always imitative, extend their administrative activities not only in the north but over all the eighteen provinces, by "Twenty-one Demands," such as those of 1915, or by twenty-one years of demands. China will accept and acquiesce in Japanese administrative service; and yet her civilization, which is her real self, will continue relatively undisturbed. The Englishman Sir Robert Hart administered the Chinese customs service for many years, until he became almost as much Chinese as he was English. Absorbing and assimilating her conquerors is quite in China's line, and has been so since the days of Caesar, or even of Tutankhamen. She despises Japanese or any other military force; regards it as beneath her dignity; in Chinese culture the soldier is not obeyed as master, he is looked down upon as a menial servant. The Japanese have received much of their religion and other civilization from China; let them take all they can. Then, in the Chinese view, the Japanese-Chinese problem will be solved; all will be China, as it was be-

fore, and as it will ever be; the Japanese soldier-administrators will take their place in Chinese history, along with the Manchus and the Mongols.

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CHAPTER XII

INTERNATIONAL

Not foreign. There remains one important group of governmental institutions that are not usually included in an American's systematic study of politics. They deserve attention in this book although it might well be questioned whether this "government" about to be considered should bear the label of either "foreign" or "abroad." It must be emphasized at once that what is coming nowadays to be called "international government" is not really foreign, but is as necessary and normal a feature of the American's environment and equipment as is that which goes on at Washington or at his own state capital or county seat or city hall.

Need of collective administration. By the same token, not only are individual foreign governments of interest to Americans, but also governments in their collective action as well—what might be called the social problem of governments or other political units, considered not individually but collectively. There are certain activities of all states which are of particular concern to their neighbors, in peace as well as in war. Some of the problems of their (and our) national life cannot possibly be solved except by inter-state coöperation, for example, the carriage of the mails, the war against typhus and cholera, the regulation of traffic on the ocean, that great highway common to all. Without international organization, how could a citizen drop a letter in the mail-box and, for an infinitesimal payment, confidently expect that it will proceed on its way to Kamchatka or the Kongo? How would he, when on a far journey, get inoculation from all doctors with the same standard serum for defending his health? How would his ship at sea rely on distress signals being understood and answered by men of other tongues? All this type of apparatus of governmental service is now taken as a matter of course. But in fact it required a long time for evolu-

tion, and much patient contriving. It is the result of a gradual process of the drawing together, in mutually advantageous coöperation, of governments which suppose themselves to be "sovereign," that is, under no obligation to each other except such as they individually find it decent and desirable to undertake.

Collective Policy. There are certain other functions of national governments that involve complex problems which, if not solved in coöperation, are bound to produce competitions that may be destructive to the interest of all. One example is the system of import and export taxes which, however domestic we may call them, are designed to affect international trade, and may perhaps work the economic weal or woe of certain classes of another state's producing people. Another example is the investment of capital for the exploiting of natural resources in outlying portions of the earth's surface, that which is called economic imperialism, with its good and evil consequences. There are also the political relations that are maintained by well-established states with peoples politically unsettled, such relations as are suggested by the contrasted ideas of the "open door" and "spheres of influence" in China, or the mandate of trusteeship in equatorial Africa, or the less systematized practice of "protectorates." It requires small knowledge of history to realize that such problems, when put for solution on a purely competitive self-regarding basis, are the circumstances that have produced most of the wars of modern history—the recurring threats, that is to say, of the destruction of civilization itself.

New construction of international government. It is therefore simply as a part of each nation's effort (impossible alone and of itself) to provide for the protection of its own vital interests, not a matter "foreign" to anyone, that we observe summarily the ideas and institutions that have sprung up or are being laboriously devised for dealing with these international relations. Like all other social human relations, they require law and administration, as well as conscience and the individual sense of decency. Primitive relations were those of mere naked force; only gradually may it be hoped that these relations will be permeated by law, while force is gradually withdrawn into the background, subjected more and more to the control of

reason. In fact, the period since the World War is an especially critical period in this development. We of this generation are attempting, notwithstanding the heat of nationalistic passion developed by that dreadful conflict, to bring about the reconstruction of much international government that was temporarily paralyzed or even destroyed. But we are also engaged on a more difficult task, the gradual, experimental new construction of certain factors, both ideas and institutions, the weakness or the complete absence of which produced the cataclysm of 1914. If the situation is not remedied betimes, in a world that is more and more closely crowded together by mechanical invention, the strains of economic competition and the frictions of racial and nationalistic jealousy may produce another disaster still more destructive. The experiences of 1914-1918 and the aftermath have shown that war on a great scale is won by no one; that the repetition of such a cataclysm is dangerous not only to civilization as a whole, but to every civilized state. We now know that the higher a state stands in civilization, the more vitally, and perhaps mortally, is its people doomed to suffer from the break-down into barbarism that is called war.

International Law. For some three centuries of modern history the national states, as they rose and developed their own power, had also been developing rules for the control of their mutual relations. These rules were hopefully and optimistically called "international law." This was not law, it is true, in the old sense of a rule imposed from above, by a sovereign upon subjects. Since the decline and fall of Rome there has been no super-state whom nation-states must obey, or expect to be punished. But there has been a growing realization that, even without a super-state, there is undoubtedly a modern world-community, within which states have a sense of legality, a feeling of obligation, an awareness that they enjoy legal rights and owe legal duties. They came to realize that these rules were binding not only morally, but that a nation which broke them was really and literally a law-breaker, although the "sanction" for ensuring obedience was still defective, and though much of the needed law had yet to be made. These states used to insist on being called sovereign and independent, but increasingly they have become

aware that they are, willy-nilly, interdependent as well. Their political involvement with each other has grown as a parallel and still more as a consequence of their economic and cultural interdependence. If their commerce (in the widest sense of that term) and their contacts, growing in number and complication and importance, were not to become areas of friction, they must be made the objects of law.

Grotius's ideal. This juristic material has been cultivated by a long series of scholars and statesmen, especially since the pioneering work of Hugo Grotius (1625), the "father of international law," who made a learned and heroic effort to persuade the political world that the admirable and universally revered jurisprudence of rights and duties that Rome had bequeathed was as valid for states as for individuals. Upon this Roman-law foundation a vast though fragmentary superstructure has been reared, stone by stone. Even nationalistic statesmen have thought it a part of their duty, in conducting each his own state's affairs, to recognize this temple and worship within it, though there have undoubtedly been occasions when an imperious local exigency might tempt them to make a temporary departure from the temple or to attempt a one-sided, distorted reconstruction of a portion of the edifice.

Growth of law. Since the epoch of Grotius, international law has been growing and coming to recognition, but the process is not quite the same as in the law of an individual state. True, it comes partly in the shape of custom, which is generally observed and therefore felt to be binding; partly in the shape of statute. But the custom, being ancient, is often uncertain and unsuitable in its application to new circumstances; one example is the difficulty which was felt in 1915, in applying to the newly invented submarine a law regarding the capture or destruction of merchant ships which had been gradually elaborated for controlling the conduct of cruisers. The international "statute-law," furthermore, is not a rule imposed from above on those whom it obliges, but is developed among them by voluntarily accepted treaties, whether in the form of bilateral contracts, in which two states agree on what shall be law for them, or of general conventions framed by a largely representative gathering such as the

Hague Conferences of 1899 and 1907. In either case the agreement must be followed by the individual states' ratification of the treaties agreed upon. When states thus adopt them, and until they "denounce" such treaties, the rules are said to be binding on the states by their own "consent." But it must be admitted that the word is used in a loose sense, as when we speak of the governing by the people's consent of the affairs which individual men pretend that they are freely disposing, such as "their lives, their liberties, and their sacred honor."

Legislative mechanism inadequate. The body of international law rules, however, is woefully defective, as to its scope and content. Custom accrues exceedingly slowly. Then it remains operating by inertia, even after the reason for its being has ceased. Hence it sometimes appears that true justice and sound progress requires not that the ancient rule be observed but that it be changed. The mechanism for making new law and for re-adapting the old is pathetically inadequate. There still survives a rule that the agreement to change must be universal. This is often extraordinarily difficult to secure, and if secured, that agreement may have had to pay a high price, the compromising of vital principle. The states whose agreement must be secured are traditionally prone to insist on their absolute sovereignty, or on "vital interests"; that is, their superiority to ordinary law. Sovereignty is a conception of supremacy that is essential within each state, but is impossible in its absolute sense as regards their relations with each other; in interstate relations there can be no sovereignty of a state, unless there were to be but one state on the surface of the globe, and in that case relations would not be truly inter-state. It might be said that the constitution of the political world still retains the device of *liberum veto*, which was largely the cause of the breakdown of the ancient Polish constitution and the destruction of the Polish state; that is, the rule of unanimous consent, whereby no state can be bound by a new statement of legal rule to which it has not given its express individual agreement.

Existence of international law. Nevertheless, though there are hideous gaps in the law and defects of justice, many points of international law are well settled, partly by custom and partly

by treaty agreement, by contracts of one state with another and, more recently, by multi-partite treaties that tend to be of world-wide scope. These are especially well exemplified in the ancient law on the exchange of diplomats and their privileges; and in the Red Cross conventions of 1864 and 1906, for the protection from warlike treatment of the sick and wounded, and those who care for them. International law undoubtedly exists, it is as generally observed as the law regarding murder and theft and contract-keeping, and as a result of the incessant thickening of the web of international intercourse it constantly grows.

Law of peace. International law had formerly been supposed to concern itself primarily with war, the most familiar relation between states of olden times. But increasingly in the latest decades normal and peaceful relations, such as the definition of a state's citizenship and who may claim it after migration or international marriage, the extradition of criminals when they flee across borders, and a multitude of other matters, have been brought within the field of well-ascertained international law. Here is a field of human conduct in whose regulation by law every nation realized that it had a vital interest; yet it could not conceivably be regulated except by consensual agreement of the several states.

International Administrative Law. Furthermore, especially within the last fifty years and spreading at a constantly accelerating pace, an administration has sprung up, and administrative law on the international plane, which every country's statesmanship requires, in its effort to deal with an infinite variety of topics. These administrative agencies have been created by the several states of the world to serve interests which their peoples demanded should be served, but which the states could not possibly serve by their independent unaided efforts. These "unions" began as syndicates of states created *ad hoc* (i.e., each function by itself), by two or more states which felt their common need. They later admitted others, and these syndicates tended to become universal. One example is the World Postal Union, another the Union for Protection of Literary Property (copyright), another the International Office for Health, as a means for

coördinating the world's efforts to attack on a broad front the world's enemy called disease.

War an intolerable interruption. These agencies are now of immense variety and number and importance. No nation could conceivably do without them. They depend in every case upon the wills of the world's states, a common will to coöperate rather than to compete or contest or remain aloof. The states and the individual citizens, whose convenience and necessities depend on the functioning of these coöperative agencies, cannot endure interruption of their operation. There is a widespread and growing sense, not only that a world-wide war is the negation of civilization, but that even an individual pair of states cannot be allowed, for the settlement of their disputes, to interrupt the world's going about its own business. This would be no more tolerable than that a city's street traffic should be held up by two citizens pretending to settle their dispute regarding ownership or damages or reputation by the individual use of firearms. The policeman has universal support when he compels the disputants to put away their guns, to "tell it to the judge."

Arbitration. For the judicial business of settling international disputes according to law, peaceably, and if possible according to justice, there has been a long historic evolution of a variety of processes, intricately interwoven. The peaceful mode in general was called "arbitration," when the matter and the mode had got beyond the ordinary possibilities of solution by conventional diplomacy. But within this pacific mode there are important distinctions that need to be made. Our own generation is making rapid progress in the appreciation of these distinctions, and in providing institutions to give them effect. There is (1) *Arbitration*, properly so called. If two states cannot, by the ordinary processes of diplomatic negotiation, come to a conclusion satisfactory to both, they are in rare instances, as in the Alabama Claims dispute (1862-1871) between the United States and Great Britain, able to agree by treaty that, rather than let the matter run on indefinitely, or produce war, they will agree to this extent: they will put the matter in certain agreed hands for *decision*, each party giving up as it were the whole case except such right as it thinks it is likely to secure from the de-

cision of an impartial, disinterested tribunal. The defect of this procedure was that states would naturally refuse to arbitrate what they regarded as "vital" questions. In this matter of arbitration the Hague Conference of 1899 made at least one great advance. There was created a panel of approved persons, four appointed by each state, who were ready to be chosen as arbitrators as cases might arise; also an agreed set of rules for arbitration, which could easily be put into operation by such states as might be persuaded to use the procedure provided. This was a great encouragement to the formation of arbitration agreements, whereby one state promised another in advance that it would arbitrate by the Hague procedure all disputes that might arise, if they were of certain defined sorts, or all disputes except those that were "of vital interest."

Conciliation. For non-arbitrable questions war still remained the only available process unless the states could, either by themselves, or on some common friend's mediatory "good offices," be brought to a solution by (2) *Conciliation*; that is, taking diplomatic counsel together under extraordinary conditions. This process might be called super-diplomacy, and its importance lies in the fact that the disputants are made to realize that their dispute is not only their own business, but that the outside world is really concerned that the peace shall be kept. The famous nineteenth-century "Concert of European Powers," with all its defects from the point of view of disinterested justice, was for long decades a measurably useful peace-keeping institution of conciliation, in so far as the Great Powers were overseeing the quarrels of the lesser states, keeping their wars localized, consulting and compelling consultation to stabilize the situation, even in cases of crisis. The present advance is that the Geneva Covenant has brought about a thorough institutionalizing of the business of conciliation. It is no longer everybody's, hence nobody's business; it is admittedly the business of a group of previously selected statesmen, the League Council, fourteen in number, with a known chairman and well-equipped secretariat. These are circumstances which are likely to make easier and more effective the counseling together, in the presence of com-

mon friends full of suggestions, by any pair of disputants whose private dispute threatens the peace of the world.

Adjudication. In addition to arbitration and conciliation there is (3) *Adjudication*, whose provision with a definite, reliable institution has been the work of the post-war period, a constructive work in which formerly the United States government took a leading part. The tribunal for serving this institution is to be later described; at this point one may merely observe that adjudication is different from arbitration and conciliation, is greater than either in dignity and definiteness, far less than either in scope of possible application. Adjudication is the application of *law* to a dispute, by a tribunal which was not set up for the particular dispute or chosen by the disputants, but existed in advance. It continues from case to case, and builds up a "line of decisions" that is important in the ascertaining of what the law is. The tribunal does not depend upon or defer to the interested parties, but lays down what the law is. The defect in scope, which has kept adjudication from being organized until many decades after arbitration, is that if the law is wanting, the court is helpless. It cannot "lay down the law" in any sense of law-making. Arbitration can decide disputes, by compromise, with or without law. Conciliation provides an atmosphere in which disputants can perhaps be persuaded to agree. Adjudication applies the law to the facts—if the law exists, in treaty, or in generally admitted existing legal precedent. But there is the rub, the present yawning gaps in international law, and the impossibility of improvising it, or of quickly and comprehensively supplying the world's need of law.

LEAGUE OF NATIONS

Purpose of organizers. The World War brought as one of its consequences a world-wide sense, reinforced by intense emotion, that an immediate further step was necessary. A super-state was out of the realm of possibility. But there must be an inter-state organization for general purposes, that should provide means for the peaceful settlement of disputes, facilitate the administrative coöperation of states by developing further the various Unions already existing, and make systematic and

normal the coming together of states in general conference, a process which theoretically looks easy, but had proved extremely difficult in practice. Most important was it, though it still seems an almost insoluble problem, for the general community of states to grasp realistically the problems usually called political, in regard to which states had habitually preferred the pursuit of their own individual interests to the preservation of the interests of the community of states. There was an acute awareness that the World War had come near to destroying civilization, and that war must be eliminated by political organization on a universal scale. The result was the framing of a Covenant, and the creating and setting in motion of a complex of institutions which are collectively known as the League of Nations. This is not the first association for coöperation; it is only one modern stage in an ancient tradition. It is not yet satisfactorily reliable or of world-wide scope, but its successes already achieved, and its promise for the future, demand at least a summary description.

Connection with treaties of 1919. The League of Nations was organized in 1919, as provided in the treaties of Paris, by which the World War was brought to an end. This circumstance involved one advantage, in that the recentness of the titanic conflict filled men's minds with an intense consciousness of the need of organization for peace. There was, however, a serious compensating disadvantage, in that the new organization was too closely associated with the weaknesses of the treaties of 1919. This detriment took more than one form. The treaties inevitably sealed a victory, and therefore a defeat: several states (Germany and her allies, and Soviet Russia as well) were sure to associate the new Geneva institution with a situation which they would regard as unjust and temporary; especially as the slow process of winding up the conflict meant that the imposition of hard conditions of peace was at some points put into the hands of Geneva-controlled boards, in order to secure a degree of impartiality. This is exemplified in the Danzig problem, as between Germany and Poland, and the Saar Basin problem, as between Germany and France. There was, furthermore, a widespread feeling that the assignment of German colonies as "mandates" of the victorious empires, and the guardianship of "minority nationalities"

in the newly drawn European frontiers, were but the masking of unjust, imperialistic war-solutions under pious frauds. The League had the ungrateful task, in its very earliest days, of maintaining war solutions which, in order to be accepted, required the prestige of a permanent world-institution, recognized and accepted as such.

Not universal. Another unlucky consequence of the situation of 1919 was the exclusion of some states and the voluntary abstention of others. The victors invited most neutral states of all continents, to join at once, as members on the ground floor. The invitation was generally accepted with alacrity. But the defeated states were excluded at the outset, and so also was Mexico, with whom the United States was then in difficult relations. Even the United States, whose President had been among the leaders in the movement for founding the League, was quickly involved in a reaction against the movement; partly due to internal feuds, personal and partisan, partly due to a widespread popular feeling that the League was too closely enmeshed with certain unjust conditions of the European peace settlement. The American people, after suddenly answering the summons to play a large role in the European war, suffered a natural revulsion of feeling against further participation in external affairs and developed an "isolationist" attitude. Statesmen worked at cross purposes, President Wilson's illness prevented his leadership from having what might have been its natural effectiveness. In short, the American people withdrew to its own continent, and one of the chief leaders for internationalism, as things had been in the days of Elihu Root and Theodore Roosevelt, remained aloof from the new institution at Geneva.

All in all, the League began its work under a heavy handicap, on the point of membership. It had been designed to be universal, many features of its Covenant were predicated on universality, and yet it is not universal. The United States stands outside, but its economic and potential military power remains to complicate the task of the organizers within; as if the planet Jupiter were to refuse voluntary operation within the solar system, while its gravitational pull on sister-planets and satellites remained undeniable and potent.

Enlarging membership. The membership of the League has, however, undergone considerable change with the lapse of the years. One by one, all the defeated states found their way into its membership, and Mexico as well. At last in 1934 Soviet Russia abandoned her communist aloofness from bourgeois civilization, and began to coöperate, not only in disarmament conferences, but with whole-hearted membership for general purposes.

Varying will to coöperate. On the other hand, it must never be forgotten that membership in the League has significance only as the mark of a state's *willingness* to coöperate with other states. More than one member has seen the evaporation of its will to coöperate (e.g., Brazil for offended dignity), or has found the expense of membership too great (e.g., Costa Rica) to justify continuance. Far more serious, two great powers, Japan (1932) and Germany (1933) have found themselves so fundamentally at odds with the world that they could no longer contribute anything to the coöperative spirit, and hence have withdrawn from membership. Nevertheless, it is a notable fact that the number of members of the League has grown until, with the just-mentioned exceptions, it comprises practically the whole civilized world, with some five dozen members, which include great empires and tiny statelets, and even the hardly classifiable political units of Canada and the other British "dominions." The latter are self-determining nations, making their own treaties and exchanging diplomats with outside states; they sympathize usually with the British Empire, but retain independence of votes, to fully as great a degree as most of the smaller nominally independent states of the world. To put it in a nutshell, the members of the League are such self-governing units of the world as have a real continuing sense of their inter-dependence in the world community. This sense varies in vividness from state to state, and in any one state varies from time to time. As this common sense rises or falls, with political circumstances, the League increases or diminishes in effectiveness as a part of the world's government.

Successes and failures. It is a matter of intricate technical inquiry, beyond the scope of this book, just what fields of action

may be entered by this coöperative spirit at Geneva. It has had notable successes. But its failures no doubt have been many, as was to be expected in a period of high exclusive nationalism, such as normally follows a great war. We may observe that the successes have been striking in such fields as public health, where the interest of action in common is obvious, since the gain of one is not the loss of another, since one cannot gain except as all gain. The failures have been equally striking in the immensely important areas of political rivalry, in the search for security by common action to put down aggression; and in the reduction of armament, where each state desires to economize but fears to fall below its neighbors and possible enemies, since "collective guaranty of security" is largely untried, and therefore not trusted. It must needs be a long slow process, the building up—in the absence of a super-state—of a mutual confidence in which all may share since all (though unequally) contribute.

Economic problems. The same difficulty is felt in the economic realm where nationalism expresses itself in exclusive and preferential tariffs, and privileged market positions—all at the expense of world commerce. For what one gains seems to be won by the loss of others, in the absence of a law for the regulation of common concerns, and of a legally guaranteed access for all to the economic opportunity that is so unequally distributed among the states of the earth.

Passing by these problems, we may observe what are the governmental institutions that have been built up at Geneva to serve this spirit of coöperation on occasions when the member states are willing to take their share, both of benefit and of responsibility. These institutions are three, the Assembly, the Council, and the Secretariat.

Assembly. The Assembly is a conference, held annually in September, and at such other times as special occasion may require. In former times it was hardly possible to assemble delegations from many states save when all were suspicious because of a peace to be made between warring states. Now, however, as a matter of course, without pressure or embarrassment, the several members of the family of nations find themselves in each

other's presence, for such business as they are ready to do in common, whether the solution of past problems by adjustment of interests, or the prevention of future clashes of interest by legislation. Each state may have three delegates, of either sex and possibly of various parties, and as many technical advisers as it may desire. The delegation and its advisers may participate in the principal committees—of which there are six, consisting of representatives from each state—distributing its personnel variously and flexibly as may seem convenient. If the minister for foreign affairs comes to Geneva, as is frequently the case since 1924, he is naturally the head, but the delegation's vote is always an undivided unit, cast as the home government, enjoying the delegation's advice, may determine.

Function, discussion. But voting is not the main business of the Assembly; it is not a parliament, settling affairs by majority vote, but a diplomatic conference in which all that is sought is agreement, and that too, unanimous. As a parliament the Assembly's action often seems futile; for much of the current business is found to be matter not yet ripe for universal agreement; hence the conclusion of most of its debate is not decision but—postponement. But the debate is of vital importance for expounding diverse views and preparing for the decision that may ultimately come. It must be remembered that what speaks and persuades and perhaps finally agrees unanimously is—not persons, nor pressure groups, nor parliamentary representatives of constituencies, but—the states of the world, Persia as much a member as the British Empire, Haiti with as good a right as France to an agreeing voice on what is to become universal international law.

Council. Far more significance, in the earlier years, was supposed to attach to the Council, but this expectation has been disappointed. There are, nevertheless, certain distinctive features of this institution, though its sphere of action is now apparently little different from that of the Assembly. The Council is relatively small, and it meets far more frequently; once in three months in any case, at any place that is convenient. There is the possibility that it may be suddenly convened for such an occasion as the war that was apparently breaking out in October,

1925, between Greece and Bulgaria, the sort of "border incident" which has often in the past been the spark which set off a general conflagration. In 1914 there was no such organ or habit. In 1931, it must be admitted, it did not prevent or stop the Shanghai disaster; the instrument could not stand the strain. For it had no more force than was given to it by the participating states and their will to contribute to collective action.

Admission of elective Powers. The Council was at first expected to be the opportunity for the Great Powers to exercise their special influence on affairs, as in the nineteenth century "Concert of Europe." They were to be permanent members. But as a concession to the lesser powers, it was arranged that four might be added to them, elected by the Assembly in its own free judgment. This allowed for a rotation in Council office that should bring many small states, as the years pass, into that close touch with high affairs and that sobering sense of responsibility that comes from such inside observation. The number of elective memberships has subsequently been enlarged to nine. The periodical election has been flexibly utilized, both for rotation and for semi-permanence of states on the Council, all according to the Assembly's judgment of convenience.

Rapporteurs. The Council's work is in many respects like that of the Assembly, with the added advantage of frequency, and of possible confidential examination of delicate matters, that call for the presentation of opposed views for the hearing of impartial conciliators, but are not ripe for discussion under the world's sounding board. If a state's affairs are under consideration at the Council table it is always invited to sit in council, though at the time it may not be an elected member for general purposes. Here is conciliation under the mediating influence of a considerable portion of the world's opinion, hence with high guaranty of impartiality. Individual members of the Council are frequently commissioned by it, as *rapporteurs*, to make special inquiry into the matter at issue, to act in an especial degree as confidential conciliators, and then by their report to bring to the Council the means of reaching a decision of its own, or at least enable it more efficaciously to give collective mediation for the solution of disputes.

International statesmen. Certain statesmen have been enabled by their long attendance at Council meetings, whether because of the importance of the state represented or because of their individual gifts, to exercise a large influence on the affairs of international politics; Geneva has given such men as Benesh of Czechoslovakia, and Politis of Greece, in the contriving of the Protocol for Security of 1924, or to Hymans of Belgium, serving the interests of Poland and Lithuania regarding Vilna, positions as international statesmen that are all out of proportion to their countries' importance.

Secretariat. There remains for our consideration one of the most important features of the League of Nations—the Secretariat. This term must be taken in a much larger sense than the word would literally suggest. It comprehends not only the well-coördinated work of secretaries, though that is exceedingly important; for this means that international relations are not to be conducted occasionally and haphazardly, each case by itself, but with continuity, as a matter of record. It means also the constant building up of tradition, the preparation for international conference, and the consistent follow-up that may bind conference with conference as successive events in the life of a going concern.

Coöperation of clearing-houses. As was suggested at the beginning of this chapter, there has long been a tendency, rapidly accelerating during the decades just before the World War, for states to coöperate in the administration of certain matters of common interest such as the carriage of mail, the control of disease, etc. The innovation of 1919 was the voluntary centralization of this business in Geneva. The result should be economy of overhead expense, and especially of administrative convenience, as contrasted with the old system in which the clearing-houses, as they might be called, were scattered about, in Brussels, Bern, the Hague, Paris, Rome, and other cities, each conducting itself as if it had no relation to the others. The coöperation is now made easy, not only of states with each other, but of clearing-houses with each other. There can be a pooling of resources (stenographers, translators, record-keeping devices); and there is enhancement also of the spirit of coöperation and coördination.

All this is obvious, and universally recognized; insomuch that even the United States, though not a member of the League, sends its conference delegations and plays its part in notable degree in these administrative activities at Geneva. Its government even deposits its treaties in the League Treaty registry, though under no legal obligation to do so, for the reason that it is convenient to participate, and this procedure involves no political commitments that are embarrassing.

Application of non-national science. Closely connected with the above mentioned strictly secretarial work is a set of practices and ideas that are especially fostered by the Secretariat, and that are interesting to the student of political science, concerned with all institutions that are of service in common to all the national governments of the world. We refer in general to the principle that government requires science, physical, biological, and social; and that science knows no national frontiers. Problems of administration are constantly arising that call for scientific treatment; that is to say, impartial study of truth, without bias of national prestige or of personal ambition. This has long been recognized in the almost innumerable "international associations," formed to deal with every subject imaginable, in which private citizens cannot be stopped by the boundaries of their own countries but require intellectual coöperation, the exchange of books and journals, and the personal conference that shall bear fruit in the advancement of knowledge and the enhancement of productive efficiency. Such international associations have often been originated by private citizens and have later been patronized and even participated in by governments. Examples of this international association may be found in every branch of human activity, from stamp-collecting and the development of world languages like Esperanto to the measurement of the ocean depths and currents, the problems of housing and of prison administration, the gathering and dissemination of crop reports, the means of controlling plant, animal, and human disease, and other bodies of fact in which private citizens and governments of all the world are intimately concerned.

International administrative coöperation. Even more significant than this tendency, manifest long ago, is a new applica-

tion of administrative science to governmental problems, which has become strikingly important in the latest decades. The mechanism of international exchange has become exceedingly intricate, and it is not stretching the truth to say that it was the failure of the Austrian Credit Anstalt that started a chain of consequences which led quickly to England's "going off gold" in 1931. Administrative coöperation has become a matter of important concern to all national governments; and the matter is the more vital, the more those governments are called on to serve "advanced" peoples, whose concerns are not of "town-pump" but of far-flung continental or world-wide scope. An example may be found in the rescue from bankruptcy of the republic of Austria in 1921. Lest Austria's apparently imminent descent into the financial abyss should produce a yawning vacuum that would occasion the inrush and collision and explosion of the ambitions of Austria's neighbors, those near-by states felt themselves politically *compelled* to coöperate and set her on her feet, administratively and financially speaking. They reconstructed her administration, postponed her obligations of reparation, provided a receiver, and even guaranteed an immense loan to restore her to life. Much the same process was repeated for Hungary a year later, and for Germany in the "Dawes Plan" of 1924.

Anonymous experts coöperate. Just how was this possible? The Geneva Secretariat gives the answer. The Secretary-General had gathered about himself a coterie of *experts*, who might be Englishmen, Frenchmen, Americans, Czechs, Swedes; but their nationality made no difference. They were the "civil servants" of the League, selected solely for efficiency, ready to put their administrative science at the service of the League alone; that is to say, of the spirit of coöperation which the states of the League found themselves willing to supply. They were prepared to "implement" the idea of coöperation; in other words, to provide it with the tools by which it should effectively meet the present need. Men of diverse nationality and bias were able to make their various contributions of scientific knowledge to a common solution of the common problem, e.g., Austria in 1921. As contrasted with the familiar conferences of political statesmen, which had been repeatedly and conspicuously failing be-

cause whatever one statesman suggested must needs involve his own country's prestige and therefore give pause to that country's rivals—this could be a real conference, a "bringing together." Ideas were as anonymous, as devoid of prestige and offense, as is science. The net result of these men's thinking and contriving could go out from their conference not as "the Lloyd George Plan," offensive therefore to France, nor as "the Poincaré Plan," offensive therefore to Britain. The ideas came anonymously, as "the League Plan," and therefore were widely acceptable, stimulating a faith that was creative, not poisoned by national jealousy.

Facilitates states' social thinking. The same spirit, of loyalty to "our world," of desire to solve its problems on the basis of coöperative thought, has been communicated to a multitude of national servants in a variety of fields; men who are not members of the Secretariat, but come occasionally under its cooling, calming influence. In finance, in labor legislation, in public health, in opium control, men come to Geneva to make good their national views. They are there led to modify their personal or national plans, to compromise, for the high purpose of achieving real results. The conclusions at which they arrive under the Geneva social atmosphere, they take home for ratification, able because of that Geneva experience to counsel their home governments as to what is really capable of achievement. They have become participants in a world process of social thought, and can enable their national governments to ratify agreements in full consciousness of the other views conscientiously held in other countries. There is no limit to the high promise of this development as it goes on; for it makes even the several national governments participants in intellectual coöperation.

International Civil Service. It is not possible here to enumerate the various agencies which have gathered around, and are served by, the Geneva Secretariat and its manifold administrative agencies scattered the world over. We must only observe a few facts regarding the central machinery. There are over 600 persons in the Secretariat, selected by the Secretary-General, as their administrative head. This man is selected by the Council, and the office has been held by one Englishman (Sir Eric Drummond, 1919-1933) and by one Frenchman (Joseph Avenol,

1933-). The personnel is selected by the processes that had been worked out in the world's best civil service systems. Some regard has had to be paid to national feeling, in the distribution of the highest posts to citizens of the important states; but for the most part nationality plays no part, efficiency is all-important, as shown in examinations, and particularly in service records. There have always been American citizens in responsible position. It is understood that they are not serving the United States, a non-member, but rather the League. So also their colleagues, who are citizens of Poland, Norway, of any and all states. Women are there in considerable numbers, and not all in subordinate positions; for example, the organizer and for many years the conductor of the Secretariat Library was an American woman. Certain countries have desired to assign to the Secretariat young diplomats of their own who should thereby be entitled to receive valuable training in Geneva; but this tendency is not welcome to the League; for it desires its servants to be its own alone.

Expense. The devotion of these men to their Geneva career, separated during crucial years from home opportunities, has necessitated the establishment of a salary and pension scale that is high as compared with most civil services. Here is where England's experience was imitated, as was but natural, considering that the first few months of the Secretariat's existence were spent in London, and the first secretary-general was an Englishman familiar with the high traditions of the English civil service. Nevertheless the total cost of the whole activity of the League, including the expenses of the Assembly, Council and Court, as well as of the Secretariat, is relatively low, almost trivial in amount when measured by the vast interests at stake. The Assembly annually votes a budget which is watchfully pared to a minimum. Pacifists like to call attention to the fact that the total League expense for a year (six to seven million dollars) is hardly one-sixth the cost of a single modern battleship. The League expense is borne by the states in proportion to their ability to pay, a scale that runs from a few thousand dollars a year from the smallest states up to an amount (105 out of 1000 units) from the richest state (England) that is hardly appreci-

able, especially when compared with what the state annually spends on the soldiers and sailors and fortifications and ships that might be used in a future war, and especially when compared with the stupendous sums required in payment of pensions and debt, that have been incurred in past wars. It is a curious circumstance of League finance that while the United States government makes no contribution, except for occasional conferences, the usefulness of League expenditures has made so strong an appeal to the administrators of the Rockefeller fortune that a large sum is voluntarily contributed from this purely private source every year for the maintenance of world health activities directed from Geneva. From the same source has come a munificent gift for the housing of the League library.

World Court. One more item must be mentioned in this superficial survey of international institutions—the Permanent Court of International Justice, commonly known as the “World Court.” This body was brought into existence largely as a feature of the creative work of the League Covenant, but it is separately founded, and in fact has its seat not at Geneva, but at the Hague, in the Palace founded for peace activities by the late Andrew Carnegie. The impulse for its foundation had been given as long ago as 1907, when the United States delegation, under instruction from President Theodore Roosevelt’s Secretary of State, Mr. Elihu Root, made this the favorite item on their agenda for the Hague Conference of that year. They made great progress in persuading other states to create an international body for application of law to disputes, but on that occasion they were up against an insoluble problem in the point of the process of selection of judges. Nevertheless at that period a world court was regarded as an object of the United States’ peculiar interest, and it seemed as if the matter were merely postponed.

Separate Statute. According to Article XIV of the League Covenant, the Council immediately appointed a jurists’ committee to prepare plans for a court. Mr. Root accepted an invitation to serve on this committee and a plan was drafted and finally adopted, in the course of 1920, by both Council and Assembly. Its separateness from the League organs was signified by its depending for legal existence not on the League Covenant

but on a special "statute," a separate treaty of December, 1920. This made possible a membership for the "world court group of states" somewhat distinct from that of the League; but even this separateness has not yet (1936) enabled the United States to join the group. Every one of the five presidents has recommended the adhesion of the United States, and there is unquestionably a considerable body of favorable opinion, but a two-thirds majority in the Senate has not yet been obtained. This negative result is probably due to the fact that the "isolationists" regard entry into the world court community as only a first step toward entry into the League, which they feel bound to prevent.

Judges. The Court is composed of fifteen judges, who hold office for nine years. The treaty of 1920 solves the difficulty encountered in 1907 by an ingenious scheme, which has been found to be easily workable. There is concurrent election of the fifteen judges by the League Council and Assembly. In the one body the great states predominate in influence, in the other there is equality enjoyed by the small states. The two bodies ballot separately but simultaneously on the candidates that have been presented. By constant communication they are enabled to discover, each how the other has voted, and a succession of ballotings enables them quickly to arrive at identical results. The judges are not elected as representatives of member-states, but as representatives of the several legal systems of the world (Common law, Roman law, Mohammedan law, etc.) and one result of this freedom of choice is that there has always been an American citizen in the Court's membership, including at one time the present chief justice of the United States Supreme Court, and at another Mr. Kellogg who, as President Coolidge's Secretary of State, became famous as co-author of the Briand-Kellogg pact (1928) of non-aggression.

Types of cases. The business with which the Court has been occupied has been far greater in variety and extent than might have been expected, if one should judge from the experience of the first years of the United States Supreme Court. It has dealt with some three dozen disputes. Nevertheless, it would be a mistake to expect that under present conditions the World Court can make large and striking contributions to the peace of the

world. Many of the decisions it has given to disputes between litigant states in its presence, and practically all of the "advisory opinions" which it has handed down on request of the Council, have been merely in the nature of the authoritative shedding of light on the existing law, points of relatively trivial character, rather than the settling of international conflicts. Most of the states have exercised an option offered them and have adopted the jurisdiction of the court as compulsory upon them (that is, have assumed the obligation to litigate rather than fight) in disputes that involve (1) interpretation of a treaty, (2) application of recognized international law, (3) ascertainment of the fact and (4) of the damages, in case of the breach of the state's duty under international law or treaty. But, speaking generally, these are not fighting matters, they are not the conflicts of interest out of which wars arise.

What may be expected from the World Court. The world of states suffers not so much from the lack (or now the inexperience or the non-universality) of the Court. The great lack is of *law*, and without existing law the Court cannot function. Here is no world-state whose court can make or at least find law, after the manner of the English king's judges of the twelfth century, authors of the famous "common law." The great service we are entitled to expect from the World Court is that it shall help to accustom men's minds to the thought of law, rather than force or wealth, as that which must give authority and bind states' conduct. As that idea grows in assured fixity, international coöperation may be made to grow in scope and in definiteness. The law is now grievously defective; it is mostly concerned with rules regarding the punctilio of the duelist (belligerency). And even here the strong duelist is sometimes able to alter the rules and impose his will upon the onlookers, who as neutrals are helpless to defend their rights, unless they are willing to fight for their rights, that is, are willing to cease to be neutrals and become belligerents, as was the case of the United States in 1812 and again in 1917.

Collective guaranty of state security. Our world of states has a long road to travel before it can enjoy the rule of law, and from it can hope for justice. Free, self-determining sover-

eighty of individual states means world anarchy. States have, it is true, been learning during three centuries that they are members one of another. Of late their citizens have been insistently demanding that the state's service to the citizens requires state coöperation on many matters of individual and social convenience. But on crucial matters such as state security, and on access to raw materials and markets, importation of goods, freedom from monopoly, matters that are determined on economic grounds—there is little law, only a feeble embryo. That embryo must be provided with favorable conditions for its growth to maturity. Peace can be made, and from it will infallibly flow reduction of armaments and elimination of the dangers of an armament race—when states all realize that civilization is not fragmentary and national, but collective; hence that security must be by collective guaranty. It is futile for any state, even the most powerful, to hope that its safety can be guaranteed by its own military strength alone. Any one state that attempts to provide itself with single-handed preponderant strength is liable to the suspicion that it will abuse its power: it finds others allying themselves to curb its power. There is a growing appreciation today of the fact that, as among individuals within a state, so among states in a world community, strength is found only in union under law. All states are bound together by the common human interest of their citizens, who feel the necessity of collective action to keep the peace and repress anti-social crime. The state likewise owes its citizens the state's best endeavors to provide international security by collective action to restrain aggression. Between aggressor and victim there is, for the peaceful, law-abiding citizen, no possibility of neutrality. So also on the international scale, the citizen's own dearest interest, the maintenance of law, requires inter-state coöperation.

To implement this spirit of coöperation the League of Nations exists, with its organs of conciliation and administrative coöperation. It has had a difficult youth, in the transition period between the old era and the new. Its spirit has been impaired by the defection (for a time) of Japan and Germany, and the abstention of the United States. It cannot be doubted, however, that the institutions centering at Geneva represent one of the

most significant developments of the present age, in the great drama of the world's evolution of its government under law.

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